



Transportation & Economic Development Appropriations Committee

**Friday, March 17, 2006
9:30 a.m. - 1:00 p.m.
Reed Hall (102)**

**Allan G. Bense
Speaker**

**Don Davis
Chair**

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Speaker Allan G. Bense

Transportation & Economic Development Appropriations Committee

Start Date and Time: Friday, March 17, 2006 09:30 am

End Date and Time: Friday, March 17, 2006 01:00 pm

Location: Reed Hall (102 HOB)

Duration: 3.50 hrs

Consideration of the following bill(s):

HB 461 Motor Vehicle License Plates by Jordan
HB 519 CS Internet Screening in Public Libraries by Kravitz
HB 527 CS Suicide Prevention by Gibson, H.
HB 567 CS Notaries Public by Kyle
HB 627 CS License Plates by Brummer
HB 705 Surplus State Lands by Littlefield
HB 773 Petition Process by Goodlette
HB 791 CS Road Designations by Fields

Workshop on the following:

Budget Workshop

Presentation on Real Time Management Solutions (RTMS Global): Overview of Technology for Real-Time Child Care Management and Accountability

NOTICE FINALIZED on 03/15/2006 16:04 by SLB



Florida House of Representatives

Fiscal Council

Committee on Transportation & Economic Development Appropriations

Allan G. Bense
Speaker

Don Davis
Chair

AGENDA

Transportation & Economic Development Appropriations

Friday, March 17, 2006

9:30 a.m. – 1:00 p.m.

Reed Hall (102 EL)

- I. Meeting Call to Order**
- II. Opening remarks by Chairman Davis**
- III. Consideration of the following Bill(s):**
 - HB 461 Motor Vehicle License Plates by Jordan
 - HB 519 CS Internet Screening in Public Libraries by Kravitz
 - HB 527 CS Suicide Prevention by Gibson, H.
 - HB 567 CS Notaries Public by Kyle
 - HB 627 CS License Plates by Brummer
 - HB 705 Surplus State Lands by Littlefield
 - HB 773 Petition Process by Goodlette
 - HB 791 CS Road Designations by Fields
- IV. Presentation by *Chuck Gibbs, Vice President of Sales & Marketing*
"Real Time Management Solutions (RTMS Global): Overview of
Technology for Real-Time Child Care Management and
Accountability"**
- V. Budget Workshop**
- VI. Closing Remarks & Adjournment**

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 461 Motor Vehicle License Plates
SPONSOR(S): Jordan
TIED BILLS: None **IDEN./SIM. BILLS:** None

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Military & Veteran Affairs Committee	7 Y, 0 N	Marino	Cutchins
2) Transportation Committee	17 Y, 0 N	Thompson	Miller
3) Transportation & Economic Development Appropriations Committee		McAuliffe <i>MA</i>	Gordon <i>GS</i>
4) State Administration Council			
5) _____			

SUMMARY ANALYSIS

House Bill 461 removes the July 1, 2006 expiration date currently set by statute for the Florida National Guard free motor vehicle license plate program. This would allow approximately 11,810 Florida National Guard members to continue to be eligible for this benefit.

In 2006-2007, this bill would have an estimated \$561,802 impact on state revenues and an estimated \$35,430 impact on local tax collectors for a total of \$597,232. This bill does not appear to impact license tag sale funds distributed to the Grants and Donations Trust Fund, managed by the Florida Department of Veterans Affairs. See Fiscal Analysis & Economic Impact Statement below for details.

The bill takes effect upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Ensure lower taxes: This bill would remove the license taxes and fees for one standard license plate for each active member of the Florida National Guard.

B. EFFECT OF PROPOSED CHANGES:

Present Situation:

The 2005-2006 General Appropriations Implementing Act created s. 320.0846, F.S., which allows any owner or lessee of a motor vehicle, who resides in Florida and is an active member of the Florida National Guard (FNG), to be issued one standard license plate without charge. The 2005-2006 General Appropriations Act (GAA) appropriated \$10,632,936 to the Highway Safety Operating Trust Fund for the Florida Department of Highway Safety and Motor Vehicle's (DHSMV) purchase of license plates. The department indicates that the FNG fee waiver program was covered by this appropriation in FY 2005-2006. Section 320.0846, F.S., is set to expire on July 1, 2006.

Under this section, FNG members may only receive one plate without charge, and any additional plates must be paid for in full. Also, this section does not waive any additional applicable fees required to purchase a specialty plate. The FNG member must provide proof of eligibility upon application for the free license plate.

In addition to this free plate program, under ss. 320.084 and 320.0842, F.S., certain low-income permanently and totally disabled veterans and wheelchair bound veterans are provided free license plates by the state. These sections and their subsequent free plate programs have no expiration.

Section 320.089, F.S., allows certain militarily affiliated persons, including members of the Florida National Guard, to stamp special plates with words such as "National Guard," "Pearl Harbor Survivor," "Combat-wounded veteran," or "U.S. Reserve," as appropriate, in order to indicate their affiliation upon payment of the license tax. The first \$100,000 in proceeds from these plates goes into the Grants and Donations Trust Fund, managed by the Florida Department of Veterans Affairs (FDVA), for the purpose of providing common benefits to the residents of the state run veterans' nursing homes, such as recreational equipment, improved facilities, and recreational supplies.

The DHSMV reports that 46,977¹ plates are stamped under s. 320.089, F.S., and of those, 1,884 license plates are stamped with "National Guard."

Other states allow for similar free license plates for certain veterans, such as Ex-POWs, Pearl Harbor survivors, etc. However, Florida appears to be the only state to offer free license plates to active National Guard members².

The Department of Military Affairs (DMA) reports there are presently 11,810³ active FNG members.

¹ Email from Steven Fielder. Department of Highway Safety and Motor Vehicles. January 13, 2006.

² Florida House of Representatives Committee on Military & Veteran Affairs. Veterans Benefits by State DRAFT. January 2005.

³ Conversation with Glenn Sutphin, Legislative Director Florida Department of Military Affairs. January 12, 2006.

Effect of Proposed Changes:

This bill removes the July 1, 2006 expiration date in s. 320.0846, F.S. This would allow the FNG free motor vehicle license plate program to become permanent. This bill does not remove the yearly requirement for FNG motor vehicle owners or lessees to keep their vehicle registrations up-to-date.

The Grants and Donations Trust Fund under the FDVA does not appear to be impacted, since the other plates offered under s. 320.089, F.S., would offset the proceeds from the loss of revenue from the "National Guard" stamped plates.

Proviso language in line 2575 of the 2005-2006 GAA provided funding for the one-year FNG free license plate program. The department has indicated that its FY 2006-2007 budget request will be for the same amount appropriated in FY 2005-2006.

This bill would take effect upon becoming law.

C. SECTION DIRECTORY:

Section 1: Amends s. 320.0846, F.S., by removing the section expiration date of July 1, 2006.

Section 2: Provides for act to take effect upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The Department of Highway Safety and Motor Vehicles (DHSMV) conducted a 2005-2006 fiscal impact study⁴ of this program in 2005 and estimated a recurring cost of \$632,154 based on 12,500 FNG members using this benefit during 2005-2006.

Using calculations based on the fees in the 2005 DHSMV fiscal study and the current 11,810 FNG membership strength, this bill would have an estimated revenue impact to the state for a loss of **\$561,802 for 2006-2007.**

⁴ Florida Department of Highway Safety and Motor Vehicles. Exempting Registration and Applicable Fees for Florida National Guard Fiscal Impact Study. On file with Committee on Military & Veteran Affairs.

	STATUE REF.	FEE	REVENUE LOSS	Fee Distribution - Trust Fund
AVERAGE LICENSE TAX FEE:	320.08	\$36.97	\$462,154	State Transportation TF
TRUST FUND FEES:				
Air Pollution Control Fee	320.03(6)	\$1.00	\$12,500	Air Pollution Control Trust Fund
FRVIS FEE	320.03(5)	\$0.50	\$6,250	Highway Safety Operating TF
Law Enf. Radio Sys Fee	320.0802	\$1.00	\$12,500	Law Enforcement Radio System TF
Surcharge St. Trans. Fee	320.0804	\$2.00	\$25,000	State Transportation TF
Trans. Disadvantage Fee	320.03(9)	\$1.50	\$18,750	Transportation Disadvantage TF
Advanced Replacement Fee	320.06(b)	\$2.00	\$25,000	Highway Safety Operating TF
EMS Fee	320.0801	\$0.10	\$1,250	Emergency Medical Service Trust Fund
Juvenile Justice Fee	320.08046	\$1.00	\$12,500	58% General Revenue – 42% Grants & Donation TF – Dept. Juvenile Justice
TRUST FUND FEES:				
Retroreflectorization Fee	320.06(3)(b)	\$0.50	\$6,250	Highway Safety Operating TF
Service Fee	320.04	\$4.00	\$12,500	\$1 Hwy Safety Oper. TF (\$3 goes to tax collectors)
		<u>\$13.60</u>	<u>\$170,000</u>	
		Total loss		For 11,810 FNG
		to state:	<u>\$561,802</u>	members

The Grants and Donations Trust Fund under the FDVA does not appear to be impacted. There would be no loss of revenue for the Trust Fund from the 1,884 "National Guard" plates, under s. 320.089, F.S., since the other stamped plates offered under s. 320.089, F.S., would make up the difference to cover the first \$100,000 in proceeds that are to go to the Trust Fund.

2. Expenditures:

There are no known or expected fiscal impacts on state government expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Since \$3 of each license plate sold goes toward a service fee for tax collectors at the local level, they would lose an estimated \$35,430 collectively.

2. Expenditures:

There are no known or expected fiscal impacts on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

FNG members who use this benefit would typically each save \$50.57⁵, the estimated average registration fee calculated by the FDHSMV. FNG members would still be required to pay applicable fees for additional standard plates and specialty or personalized license plates.

D. FISCAL COMMENTS:

⁵ Florida Department of Highway Safety and Motor Vehicles. Exempting Registration and Applicable Fees for Florida National Guard Fiscal Impact Study. On file with Committee on Military & Veteran Affairs.

This DHSMV 2005-2006 fiscal impact study⁶ is based on exempting 12,500 FNG registrants annually from paying the annual license tax and applicable required Trust Fund fees. This study uses \$50.57 as the average registration fee. Of the \$50.57, \$13.60 is distributed to various trust funds as fees.

For this analysis, the committee staff used the current FNG strength of 11,810 to calculate the 2006-2007 fiscal impact.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The estimated statewide loss of \$35,430 to local tax collectors, would be an insignificant fiscal impact, and therefore the bill is exempt from the mandates provision.

2. Other:

There do not appear to be any constitutional issues with this bill.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

None.

⁶ ib id.

HB 461

2006

A bill to be entitled

An act relating to motor vehicle license plates; amending s. 320.0846, F.S.; removing expiration of provisions for free license plates to active members of the Florida National Guard; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 320.0846, Florida Statutes, is amended to read:

320.0846 Free motor vehicle license plates to active members of the Florida National Guard.--

(1) Any owner or lessee of a motor vehicle who resides in this state and is an active member of the Florida National Guard may, upon application and proof of eligibility, be issued one standard license plate without charge. Applications for any additional license plates must be accompanied by appropriate fees established in this chapter.

(2) Eligible applicants of the Florida National Guard may apply for a specialty license plate as provided in s. 320.08056 upon payment of the fees required in that section. All other fees will be waived. Applications for any additional specialty license plates must be accompanied by all appropriate fees established in this chapter.

~~(3) This section expires July 1, 2006.~~

Section 2. This act shall take effect upon becoming a law.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 461

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Transportation & Economic
Development Appropriations Committee
Representative Jennings offered the following:

Amendment (with title amendment)

between lines 24 and 25 insert:

Section 2. Subsection (26) of section 320.08058, Florida
Statutes, is amended to read:

(26) FLORIDA MEMORIAL UNIVERSITY COLLEGE LICENSE PLATES.--

(a) The department shall develop a Florida Memorial
University College license plate as provided in this section.
The word "Florida" must appear at the top of the plate, and the
words "Florida Memorial University College" must appear at the
bottom of the plate.

(b) The annual use fees shall be distributed to Florida
Memorial University College.

===== T I T L E A M E N D M E N T =====

Remove line 5 and insert:

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

21 National Guard; amending s. 320.08058, F.S., changing the
22 Florida Memorial College license plate to the Florida Memorial
23 University License plate; providing an effective date.

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HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 519 CS

Internet Screening in Public Libraries

SPONSOR(S): Kravitz

TIED BILLS: None

IDEN./SIM. BILLS: SB 960

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Civil Justice Committee	5 Y, 1 N, w/CS	Shaddock	Bond
2) Transportation & Economic Development Appropriations Committee		McAuliffe <i>MA</i>	Gordon <i>GS</i>
3) Justice Council			
4)			
5)			

SUMMARY ANALYSIS

This bill addresses the access by adults and children to internet pornography in public libraries. The bill requires public libraries to adopt an internet safety policy and install technology protection measures on all public computers. The protection measures are to prevent adults from using the libraries computers to access child pornography or obscene visual depictions, and to prevent minors from accessing child pornography and visual depictions that are obscene or harmful to minors. The protection measures can be disabled upon an adult's request to use the computer for bona fide research or other lawful purposes. Libraries are precluded from maintaining a record of the adults who request this disablement.

The bill authorizes the Division of Library and Information Services to adopt rules requiring the head of each administrative unit to give an annual written statement, under penalty of perjury, that all public library locations within the unit are in compliance with this section, as a condition of receiving state funds.

This bill appears to have a minimal negative fiscal impact on local governments. This bill does not appear to have a fiscal impact on state government.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government -- This bill creates additional responsibilities for public libraries and their administrative units. The bill establishes rule-making authority in the Department of State, Division of Library and Information Services.

Empower Families -- This bill seeks to benefit families by decreasing the possibility of children and adults being exposed to pornography at public libraries.

B. EFFECT OF PROPOSED CHANGES:

Background

Federal Law

In 2000, Congress enacted the Children's Internet Protection Act ("CIPA"), which requires public libraries participating in certain internet technology programs to certify that they are using computer filtering software to prevent the on-screen depiction of obscenity, child pornography, or other material harmful to minors.¹ The Supreme Court upheld CIPA in *United States v. Am. Library Ass'n*, 539 U.S. 194 (2003), determining the law did not violate the First Amendment's free speech clause nor did it impose an unconstitutional condition on public libraries. CIPA does not impose any penalties on libraries that choose not to install filtering software; however, libraries that choose to offer unfiltered internet access will not receive federal funding for acquiring educational internet resources.²

State Law

Currently, state law does not contain any requirements that public libraries place internet filters on the public computers. Nevertheless, there are a number of statutes that prohibit the display of obscene materials to minors and child pornography.

"Obscenity" is defined in s. 847.001(10), F.S., as:

the status of material which:

- (a) The average person, applying contemporary community standards, would find, taken as a whole, appeals to the prurient interest;
- (b) Depicts or describes, in a patently offensive way, sexual conduct as specifically defined herein; and
- (c) Taken as a whole, lacks serious literary, artistic, political, or scientific value.

This definition of obscenity is taken directly from the Supreme Court's definition in *Miller v. California*, 413 U.S. 15 (1973).³

¹ National Conference of State Legislatures, *Children and the Internet: Laws Relating to Filtering, Blocking and Usage Policies in Schools and Libraries*, Feb. 17, 2005.

² *U.S. v. Am. Libraries Ass'n*, 539 U.S. 194, 212 (2003)(plurality opinion).

³ *Haggerty v. State*, 531 So. 2d 364, 365 (Fla. 1st DCA 1988).

"Harmful to minors" is defined in s. 847.001(6), F.S., as:

[A]ny reproduction, imitation, characterization, description, exhibition, presentation, or representation, of whatever kind or form, depicting nudity, sexual conduct, or sexual excitement when it:

- (a) Predominantly appeals to the prurient, shameful, or morbid interests of minors;
- (b) Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and
- (c) Taken as a whole, is without serious literary, artistic, political, or scientific value for minors.

Section 847.0133, F.S., prohibits any person from knowingly selling, renting, loaning, giving away, distributing, transmitting, or showing any obscene material to a minor.⁴⁵ Section 847.0137, F.S., prohibits the transmission of any image, data, or information, constituting child pornography through the internet or any other medium. Section 847.0138, F.S., prohibits the transmission of material harmful to minors to a minor by means of electronic device or equipment. Section 847.0139, F.S., provides immunity from civil liability for anyone reporting to a law enforcement officer what the person reasonably believes to be child pornography or the transmission to a minor of child pornography or any information, image, or data that is harmful to minors. Section 847.03, F.S., requires any officer arresting a person charged with an offense under s. 847.011, F.S., relating to acts relating to lewd or obscene materials, to seize such materials at the time of the arrest.

Current Library Internet Policies

The Department of State, Division of Library and Information Services, conducted a survey of Florida's public libraries to ascertain their internet use policies and filtering practices.⁶ Out of 149 county and municipal libraries in Florida's 67 counties, 139 libraries responded to the survey. All of the libraries who answered the survey had locally adopted internet use policies, and 138 of the libraries prohibited the display of obscene or offensive images.⁷ Of the libraries responding to the survey, 110 currently had filtering software or technology on their computers, and twenty-three did not filter.⁸ Fourteen counties have one or more libraries that do not have filters, another four libraries only filter computers in the children's or youth section of the library, and three of the counties that did not have filters indicated that they would be installing filters soon or were in the process of negotiating with vendors.⁹

Three libraries reported that they were not CIPA compliant, twenty-nine libraries stated that CIPA did not apply to them, and the other 107 libraries indicated that they were CIPA compliant.¹⁰

⁴ Obscene materials means "any obscene book, magazine, periodical, pamphlet, newspaper, comic book, story paper, written or printed story or article, writing paper, card, picture, drawing, photograph, motion picture film, figure, image, videotape, videocassette, phonograph record, or wire or tape or other recording, or any written, printed, or recorded matter of any such character which may or may not require mechanical or other means to be transmuted into auditory, visual, or sensory representations of such character, or any article or instrument for obscene use, or purporting to be for obscene use or purpose." Section 847.0133, F.S.

⁵ The term "obscene" has the same meaning in s. 847.0133, F.S. as it has in s. 847.001, F.S.

⁶ Department of State, Division of Library and Information Services, *Internet Policies & Filtering in Florida's Public Libraries Report*, March 21, 2005 (hereinafter "*Internet Policies*").

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

Effect of Bill

Definitions

The bill creates a new section, s. 257.44, F.S., requiring internet screening in public libraries. A number of terms that are crucial to an understanding of the requirements and prohibitions provided for in the bill are detailed below. The bill defines "public library" as "any library that is open to the public and that is established or maintained by a county, municipality, consolidated city-county government, special district, or special tax district, or any combination thereof."¹¹ Excluded from this definition are libraries open to the public that are maintained or established by a community college or state university. A "public computer" is any computer made available to the public and that has internet access.¹²

This bill requires a public library to enforce an internet safety policy providing for:

- Installation and operation of a protection measure on all public computers in the library that restricts access by adults to visual depictions that are obscene or constitute child pornography and that restricts access by minors to visual depictions that are obscene, constitute child pornography, or are harmful to minors, and
- Disablement of the protection measure when an adult requests to use the computer for bona fide research or other lawful purpose.

A "technology protection measure" is software or equivalent technology that blocks or filters internet access to the visual depictions that are obscene, contain child pornography, or that are harmful to minors.¹³

The definition of child pornography is the same definition that appears in s. 847.001, F.S. For the purposes of this bill, harmful to minors is defined as:

[A]ny picture, image, graphic image file, or other visual depiction that:

1. Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;
2. Depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, an actual or simulated normal or perverted sexual act, or a lewd exhibition of the genitals; and
3. Taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.¹⁴

"Obscene" is defined as it is currently in s. 847.001, F.S.¹⁵ "Administrative unit" is defined as "the entity designated by a local government body as responsible for administering all public libraries established or maintained by that local government body."¹⁶

¹¹ Section 257.44(1)(g).

¹² Section 257.44(1)(f).

¹³ Section 257.44(1)(i).

¹⁴ Section 257.44(1)(c).

¹⁵ Section 257.44(1)(e).

¹⁶ Section 257.44(1)(a).

Internet Policy

Each public library is required to post a conspicuous notice informing library patrons of the internet safety policy and indicating that the policy is available for review.¹⁷ Libraries must disable the protection measure upon the request of any adult who wishes to use the computer for bona fide research or other lawful purpose,¹⁸ and the library may not maintain a record containing the names of any adult who has requested the protection measure be disabled.¹⁹

Rule-Making Authority

The Division of Library and Information Services must adopt administrative rules requiring the head of each administrative unit to annually attest in writing, under penalty of perjury, that all libraries within the administrative unit are in compliance with the internet safety policy as a condition of the receipt of any state funds being distributed under ch. 257, F.S.²⁰

C. SECTION DIRECTORY:

Section 1 creates s. 257.44, F.S., requiring internet screening in public libraries.

Section 2 provides a legislative finding that the installation and operation of technology protection measures in public libraries to protect against adult access to obscene visual depictions or child pornography, or access by minors to obscene visual depictions, child pornography, or images that are harmful to minors, fulfills an important state interest.

Section 3 provides an effective date of October 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The fiscal analysis provided by the Department of State states that there is no fiscal impact to the Department. However, this bill would appear to have a minimal but unknown fiscal impact on state government. The Department of State is required to promulgate rules concerning annual compliance by libraries, and the Department is required to collect and maintain those annual attestations.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

¹⁷ Section 257.44(2)(b).

¹⁸ Section 257.44(2)(a)(2).

¹⁹ Section 257.44(2)(c).

²⁰ Section 257.44(4).

The Department of State estimates that this bill will require recurring expenditures of \$108,240 annually for libraries not currently using filtering software. The department estimates that the total recurring cost to all libraries regulated by this bill for filtering software is \$666,600.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Although the bill requires counties and municipalities to spend funds or take an action requiring the expenditure of funds, the impact is less than \$1.8 million and is insignificant. The bill is therefore exempt from the provisions of Article VII, Section 18(b), Florida Constitution.

2. Other:

Access by Minors

This bill may raise First Amendment concerns since the statute creates a new definition of “harmful to minors” that extends beyond the current definition found in s. 847.001(10), F.S., which is similar to the Supreme Court’s definition of obscenity. Although obscenity is not a protected category of speech, “[s]exual expression which is indecent but not obscene is protected by the First Amendment.”²¹ In other words, obscene material is unprotected by the Constitution but indecent material is constitutionally protected. Hence, the new definition should be reviewed to determine whether it would infringe upon Constitutional protected speech.

For the purposes of this bill, harmful to minors is defined as:

[A]ny picture, image, graphic image file, or other visual depiction that:

1. Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;
2. Depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, an actual or simulated normal or perverted sexual act, or a lewd exhibition of the genitals; and
3. Taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.²²

This “harmful to minors” standard is a content-based regulation of speech²³, which must be narrowly tailored to promote a compelling government interest.²⁴ However, internet access in a public library is

²¹ *Simmons v. State*, 886 So. 2d 399, 492-03 (Fla. 1st DCA 2004) (quoting *Sable Comm. of Cal., Inc. v. FCC*, 492 U.S. 115, 126 (1989)).

²² Section 257.44(1)(c).

²³ According to 16A Am. Jur. 2d, Constitutional Law s. 460:

[t]he most exacting scrutiny test is applied to regulations that suppress, disadvantage, or impose different burdens upon speech on the basis of its content, and to laws that compel speakers to utter or distribute

not a traditional or designated public forum,²⁵ and a library “does not acquire internet terminals in order to create a public forum for Web publishers to express themselves.”²⁶

The protection of children from harmful material is a compelling state interest, as “common sense dictates that a minor’s rights are not absolute,” and the legislature has the right to protect minors from the conduct of others.²⁷ The legislature has the responsibility and authority to protect all of the children in the state, and the state “has the prerogative to safeguard its citizens, particularly children, from potential harm when such harm outweighs the interests of the individual.”²⁸

“A library’s need to exercise judgment in making collection decisions depends on its traditional role in identifying suitable and worthwhile material; it is no less entitled to play that role when it collects material from the internet than when it collects material from any other source.”²⁹ Thus, internet access in public libraries is not afforded the broadest level of free speech protection, and the government is free to regulate the content of speech and to determine which topics are appropriate for discussion, although to the extent that internet access might be considered a limited public forum, it is treated as a public forum for its topics of discussion.³⁰ A government-run public forum requires that content-based prohibitions be narrowly drawn to effectuate a compelling state interest.³¹

“The state has a compelling interest in protecting the physical and psychological well-being of children, which extends to shielding minors from material that is not obscene by adult standards, but the means must be carefully tailored to achieve that end so as not to unnecessarily deny adults access to material which is indecent (constitutionally protected), but not obscene (unprotected).”³²

The Supreme Court has “repeatedly” recognized that the government has an interest in protecting children from harmful materials.³³ As with CIPA, any internet materials that are suitable for adults but not for children may be accessed by an adult simply by asking a librarian to unblock or disable the

speech bearing a particular message, but regulations that are unrelated to content are subject to an intermediate level of scrutiny reflecting the less substantial risk of excising ideas or viewpoints from public dialogue.... Regulations of speech that are regarded as content-neutral receive an intermediate rather than a strict scrutiny under the First Amendment; this includes regulations that restrict the time, place, and manner of expression in order to ameliorate the undesirable secondary effects of sexually explicit expression. Therefore, as a general rule, laws that by their terms distinguish favored speech from disfavored speech on the basis of ideas or views expressed are content-based and subject to strict scrutiny under the First Amendment, while laws that confer benefits or impose burdens on speech without reference to ideas or views expressed are in most instances content-neutral. Regulations which permit the government to discriminate on the basis of the content of a speaker’s message ordinarily cannot be tolerated under the First Amendment.

²⁴ *Simmons v. State*, 886 So. 2d at 403 (internal citations omitted).

²⁵ Whether or not a place is designated a traditional or designated public form can be significant. The following quotation from 16A Am. Jur. 2d, Constitutional Law, s. 518 is particularly enlightening:

Even protected speech is not equally permissible in all places and at all times; nothing in the Constitution requires the government freely to grant access to all who wish to exercise their right to free speech on every type of government property without regard to the nature of the property or to the disruption that might be caused by a speaker’s activities. The right to communicate is not limitless; even peaceful picketing may be prohibited when it interferes with the operation of vital governmental facilities. Thus, the government’s ownership of property does not automatically open that property to the public for First Amendment purposes. However, the Constitution forbids a state from enforcing certain exclusions from a forum generally open to the public, even if the state is not required to create the forum in the first place.

²⁶ *Am. Library Ass’n*, 539 U.S. at 205-06.

²⁷ *B.B. v. State*, 659 So. 2d 256, 259 (Fla. 1995)(citing *In re T.W.*, 551 So.2d 1186 (Fla.1989).

²⁸ *Simmons*, 886 So. 2d at 405 (citing *Jones v. State*, 640 So. 2d 1084, 1085-87 (Fla. 1994)).

²⁹ *Am. Library Ass’n*, 539 U.S. at 208.

³⁰ *See Perry Educ. Ass’n v. Perry Local Educators’ Ass’n*, 460 U.S. 37, 45-46 (1983).

³¹ *Id.* at 46.

³² *Cashatt v. State*, 873 So. 2d 430, 434 (Fla. 1st DCA 2004).

³³ *Id.* (citing *Ginsberg v. New York*, 390 U.S. 629, 639 (1968); *FCC v. Pacifica Found.*, 438 U.S. 726, 749 (1978); *Morris v. State*, 789 So. 2d 1032, 1036 (Fla. 1st DCA 2001)).

filter provided that the adult desires to access the material for "bona fide research or other lawful purposes."³⁴

Request for Unblocking

CIPA provides for the disabling of the filtering software upon request. Specifically, CIPA provides: "[a]n administrator, supervisor, or other authority *may disable* a technology protection measure under paragraph (1) to enable access for a bona fide research or other lawful purpose." 20 U.S.C. s. 9134(f)(3) (emphasis added). The bill provides that "each public library shall enforce an Internet safety policy that provides for:" "[d]isabling of the technology protection measure by an employee of the public library upon an adult's request to use the computer for bona fide research or other lawful purpose."³⁵ In discussing CIPA's express requirement that the filtering software be disabled for bona fide research or other lawful purposes the Supreme Court stated that even if there is embarrassment by a person requesting the lifting of the software, "the Constitution does not guarantee the right to acquire information at a public library without any risk of embarrassment."³⁶

Access by Adults

The constitutional standards regarding adult access to indecent materials are different from those applicable to minors. It is possible that a court might find that an adult's constitutional right to access such material is hindered by the inherent time delay required to stop the filtering software for the adult patrons benefit. There is no definitive line for determining when an extended delay in granting an adult's request to unblock the software might be considered an unreasonable infringement upon an adult's right to conduct bona fide research and pursue other lawful uses of the internet. For as Justice Kennedy opined in his concurrence in the plurality opinion in *Am. Library Ass'n*:

If, on the request of an adult user, a librarian will unblock filtered material or disable the internet software filter without significant delay, there is little to this case. The Government represents this is indeed the fact.

If some libraries do not have the capacity to unblock specific Web sites or to disable the filter or if it is shown that an adult user's election to view constitutionally protected internet material is burdened in some other substantial way, that would be the subject for an as-applied challenge, not the facial challenge made in this case.

There are, of course, substantial Government interests at stake here. The interest in protecting young library users from material inappropriate for minors is legitimate, and even compelling, as all Members of the Court appear to agree. Given this interest, and the failure to show that the ability of adult library users to have access to the material is burdened in any significant degree, the statute is not unconstitutional on its face.³⁷

B. RULE-MAKING AUTHORITY:

³⁴ *Am. Library Ass'n*, 539 U.S. at 209.

³⁵ Section 257.44(2)(a).

³⁶ *Am. Library Ass'n*, 539 U.S. at 209.

³⁷ *Am. Library Ass'n*, 539 U.S. at 214-15 (Kennedy, J., concurring).

This bill requires the Department of State, Division of Library and Information Services, to adopt rules pursuant to s. 120.536(1), F.S., and s. 120.54, F.S., requiring the head of each administrative unit to annually attest in writing, under penalty of perjury, that all public library locations within the administrative unit are in compliance with s. 257.44(2), which requires each public library to enforce an internet safety policy.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Filtering Difficulties

The following is an enlightening quote from Justice Stevens' dissent in *Am. Library Ass'n*,

Due to the reliance on automated text analysis and the absence of image recognition technology, a Web page with sexually explicit images and no text cannot be harvested using a search engine. This problem is complicated by the fact that Web site publishers may use image files rather than text to represent words, i.e., they may use a file that computers understand to be a picture, like a photograph of a printed word, rather than regular text, making automated review of their textual content impossible. For example, if the Playboy Web site displays its name using a logo rather than regular text, a search engine would not see or recognize this Playboy name in that logo.³⁸

Harmful to Minors

Section 847.001(6), F.S., provides a definition for "harmful to minors." The instant bill seeks to establish a new definition for "harmful to minors" for the purposes of this bill. It is unclear why a different definition of "harmful to minors" is included in the bill.

Visual Depictions

Section 257.44(1)(i), F.S., defines technology protection measure as "software or equivalent technology that blocks or filters internet access to the visual depiction that are proscribed under subsection (2) [the internet safety policy]". This definition would seem not to include audio depictions. The CIPA provides additional protection against other materials that may be prohibited by providing: "(2) Access to other materials[:]. Nothing in this subsection shall be construed to prohibit a library from limiting internet access to or otherwise protecting against materials other than those referenced in subclauses (I), (II), and (III) of paragraph (1)(A)(i) [items that are obscene, child pornography, or harmful to minors]" 20 U.S.C. s. 9134.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On February 8, 2006, the Civil Justice Committee adopted one amendment to the bill. The amendment removed the civil action provision from the bill. The bill was then reported favorably with a committee substitute.

³⁸ *Am. Library Ass'n*, 539 U.S. at 221 (Stevens, J., dissenting).

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CHAMBER ACTION

1 The Civil Justice Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to Internet screening in public libraries;
7 creating s. 257.44, F.S.; defining terms; requiring public
8 libraries to provide technology that protects against
9 Internet access to specified proscribed visual depictions;
10 allowing adults to request disablement of the technology
11 for specified purposes; prohibiting a public library from
12 maintaining a record of adults who request such
13 disablement; requiring a public library to post notice of
14 its Internet safety policy; directing the Division of
15 Library and Information Services within the Department of
16 State to adopt rules requiring a written attestation of
17 compliance as a condition of state funding; providing a
18 cause of action is not authorized for a violation by a
19 public library; providing a finding of important state
20 interest; providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

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Section 1. Section 257.44, Florida Statutes, is created to read:

257.44 Internet screening in public libraries.--

(1) As used in this section, the term:

(a) "Administrative unit" means the entity designated by a local government body as responsible for administering all public libraries established or maintained by that local government body.

(b) "Child pornography" has the same meaning as in s. 847.001.

(c) "Harmful to minors" means any picture, image, graphic image file, or other visual depiction that:

1. Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;

2. Depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, an actual or simulated normal or perverted sexual act, or a lewd exhibition of the genitals; and

3. Taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

(d) "Minor" means an individual who is younger than 18 years of age.

(e) "Obscene" has the same meaning as in s. 847.001.

(f) "Public computer" means a computer that is made available to the public and that has Internet access.

(g) "Public library" means any library that is open to the public and that is established or maintained by a county,

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municipality, consolidated city-county government, special district, or special tax district, or any combination thereof. The term does not include a library that is open to the public and that is established or maintained by a community college or state university.

(h) "Reasonable efforts" means the public library, in implementing the policy required by subsection (2), in its ordinary course of business:

1. Posts its Internet safety policy;
2. Uses a technology protection measure on all public computers; and
3. Disables the technology protection measure upon an adult's request to use the computer for bona fide research or other lawful purpose.

(i) "Technology protection measure" means software or equivalent technology that blocks or filters Internet access to the visual depictions that are proscribed under subsection (2).

(2)(a) Each public library shall enforce an Internet safety policy that provides for:

1. Installation and operation of a technology protection measure on all public computers in the public library which protects against access through such computers by adults to visual depictions that are obscene or constitute child pornography and by minors to visual depictions that are obscene, constitute child pornography, or are harmful to minors; and
2. Disablement of the technology protection measure by an employee of the public library upon an adult's request to use the computer for bona fide research or other lawful purpose.

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80 (b) Each public library shall post a notice in a
81 conspicuous area of the public library which indicates that an
82 Internet safety policy has been adopted and informs the public
83 that the Internet safety policy is available for review at each
84 public library.

85 (c) A public library may not maintain a record of names of
86 adults who request that the technology protection measure be
87 disabled under this subsection.

88 (3) The Division of Library and Information Services
89 within the Department of State shall adopt rules pursuant to ss.
90 120.536(1) and 120.54 that require the head of each
91 administrative unit to annually attest in writing, under penalty
92 of perjury, that all public library locations for which the
93 administrative unit is responsible are in compliance with
94 subsection (2) as a condition of the receipt of any state funds
95 distributed under this chapter.

96 (4) This section does not authorize a cause of action in
97 favor of any person due to a public library's failure to comply
98 with subsection (2).

99 Section 2. In accordance with s. 18, Art. VII of the State
100 Constitution, the Legislature finds that the installation and
101 operation by public libraries of technology protection measures
102 that protect against access by adults to visual depictions that
103 are obscene or constitute child pornography and by minors to
104 visual depictions that are obscene, constitute child
105 pornography, or are harmful to minors fulfills an important
106 state interest.

107 Section 3. This act shall take effect October 1, 2006.

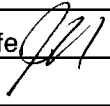

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hb0519-01-c1

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 527 CS Suicide Prevention
SPONSOR(S): Gibson and others
TIED BILLS: **IDEN./SIM. BILLS:** SB 1008

DIRECTOR	REFERENCE	ACTION	ANALYST	STAFF
1) Future of Florida's Families Committee		7 Y, 0 N, w/CS	Preston	Collins
2) Governmental Operations Committee		5 Y, 0 N, w/CS	Brown	Williamson
3) Transportation & Economic Development Appropriations Committee			McAuliffe 	Gordon 
4) Health & Families Council				
5) _____				

SUMMARY ANALYSIS

The bill creates the Statewide Office for Suicide Prevention in the Office of Drug Control within the Executive Office of the Governor.

Subject to a specific appropriation, the bill requires the director of the Office of Drug Control to employ a coordinator for the Statewide Office for Suicide Prevention and specifies the education, experience, and skills to consider when hiring such coordinator. Duties of the coordinator include facilitating an interagency workgroup, reviewing suicide prevention programs to identify innovative models, developing and maintaining an Internet website related to suicide prevention, and assisting in the development of public awareness and media campaigns.

The bill also creates a Suicide Prevention Coordinating Council of 27 members in the Office of Drug Control. The coordinating council must create a statewide plan for suicide prevention and create a state interagency workgroup in order to incorporate state agency plans for suicide prevention into the statewide plan.

The bill specifies the membership, terms of office, and the duties of both the council and the workgroup. The coordinating council must make findings and recommendations regarding suicide prevention programs and activities, and must report annually to the Governor and the Legislature.

The bill authorizes one FTE and appropriates \$100,000 from the General Revenue Fund to the Office of Drug Control to implement the provisions of the bill for fiscal year 2006-2007.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government – The bill provides for one additional FTE: a coordinator for the Statewide Office for Suicide Prevention, and a \$100,000 budget to implement the provisions of the bill for fiscal year 2006-2007. The bill provides no additional staff or administrative support for the required work of the Statewide Office, the Coordinating Council, or the interagency workgroup. If existing staff within the Office of Drug Control assume those duties, it will increase the work responsibilities of those individuals.

The bill creates a new coordinating council with 27 members. The bill requires state employees to serve on both the coordinating council and the interagency workgroup, which adds to their work-related responsibilities. The coordinating council and the coordinator must report annually on their activities to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

B. EFFECT OF PROPOSED CHANGES:

Background – Suicide

Florida currently ranks 15th in the nation for the number of suicides. There were 2,294 suicides in the state during 2003, making it the ninth leading cause of death for the overall population. Suicide is the third leading cause of death for 15-24 year olds, the second leading cause of death for 25-34 year olds, and the fifth leading cause of death for 35-44 year olds.¹

While suicide is often characterized as a response to a single event or set of circumstances, suicide is, in fact, an outcome of complex interactions among neurobiological, genetic, psychological, social, cultural, and environmental risk and protective factors. The factors that contribute to any particular suicide are diverse; therefore, it is generally believed that efforts related to prevention must incorporate multiple approaches.²

The Florida Youth Emotional Development and Suicide Prevention Act, passed by the Legislature in 1984, declared the prevention of suicide by youths to be a priority of the state. The Act was considered landmark legislation, which resulted in Florida being recognized nationally as one of a handful of states passing legislation to establish a statewide program to promote positive development of youths and prevent suicide through coordinated educational efforts at the state and local levels. As a result of the legislation, the Department of Education, Department of Law Enforcement, and Department of Health and Rehabilitative Services (now the Department of Children and Family Services) worked together to develop ways to inform people about the problem of youth suicide and actions that should be taken to prevent suicides.³

¹ Florida Vital Statistics, Annual Report. 2003.

² U.S. Department of Health and Human Services. National Strategy for Suicide Prevention: Goals and Objectives for Action. 2001.

³ All of the activities of these state agencies, and of the district and state task forces, including the development of a training guide, were accomplished by using existing resources and with the help of volunteers, including parent survivors of youth suicide. See Florida Youth Suicide Prevention Study, Report to the Florida State Legislature. Louis de la Parte Florida Mental Health Institute, University of South Florida. 1999.

In 2000, the Governor directed the Office of Drug Control⁴ to assist in decreasing the incidence of suicide in Florida. The director of the Office of Drug Control convened a workgroup to establish an infrastructure for a state suicide prevention task force, now called the Florida Task Force on Suicide Prevention. In January 2005, the task force released a Statewide Suicide Prevention Strategy paper to provide policy direction to state and community leaders in order to decrease the incidence of youth suicide in Florida. The paper contained three stated goals:

- To decrease the incidence of suicide in Florida by one third (from approximately 14.1 per 100,000 in 2001 to approximately 9.4 per 100,000 by the end of 2010);
- To decrease the incidence of teen suicide in Florida by one third (from approximately 9.5 per 100,000 in 2001 to approximately 6.3 per 100,000 by the end of 2010); and
- To decrease the incidence of elder suicide in Florida by one third (from approximately 20 per 100,000 in 2001 to approximately 13.3 per 100,000 by the end of 2010).⁵

Background – Organizational Structure

Chapter 14, F.S., describes the organizational structure of the Executive Office of the Governor (EOG).⁶ Section 397.332, F.S. creates the Office of Drug Control inside the EOG. Chapter 20, F.S., defines several types of advisory bodies:

Name	Duration	Additional Comment
“Council” or “Advisory Council”	“[O]n a continuing basis...”	Created by specific statutory enactment and intended to focus on a specific function or program area. Provides recommendations and policy alternatives.
“Committee” or “Task Force”	1 year (without specific statutory enactment); 3 years (with specific statutory enactment)	Appointed to study a particular problem and recommend a solution. Existence terminates upon completion of assignment.
“Coordinating Council”	Not explicitly stated.	An interdepartmental advisory body – one department has primary responsibility but other agencies have an interest.
“Commission”	Not explicitly stated.	Exercises quasi-legislative or quasi-judicial power, and its members must generally be confirmed by the Legislature.

Pursuant to s. 20.052, F.S., the creation of any new advisory body requires the following findings or requirements:

- It must be necessary and beneficial to the furtherance of a public purpose.
- It must be terminated by the Legislature when it is no longer necessary and beneficial to the furtherance of a public purpose.

⁴ The Florida Office of Drug Control was created in 1999 within the Executive Office of the Governor (Chapter 99-187, Laws of Florida) to coordinate Florida's efforts related to the reduction of drug abuse and its consequences to the state. See s. 397.332, F.S.

⁵ Florida Suicide Prevention Strategy. Office of Drug Control, Executive Office of the Governor. January 2005. Available online at: http://www.myflorida.com/myflorida/government/governorinitiatives/drugcontrol/pdfs/suicide_prevent.pdf

⁶ Chapter 20, F.S., governs the organizational structure of the Executive Branch. Section 20.04, F.S., governs the creation of additional entities while the creation of advisory bodies is governed by s. 20.03, F.S., which provides substantive definitions for several types of advisory bodies and by s. 20.052, F.S., which sets forth requirements for all advisory bodies.

- The Legislature and the public must be kept informed of its activities and expenses,
- It meets a statutorily defined purpose.
- Its powers and responsibilities conform to the definitions for governmental units in s. 20.03, F.S. (outlined in the table above).
- Its members, unless expressly provided otherwise in the State Constitution, are appointed for 4-year staggered terms.
- Its members, unless expressly provided otherwise by specific statutory enactment, serve without additional compensation or honorarium, and are authorized to receive only per diem and reimbursement for travel expenses as provided in s. 112.061, F.S.

In addition, the agency head or the Governor appoints private citizen members of a committee or council. Private citizen members of a commission or board of trustees are appointed by the Governor and confirmed by the Legislature, and are subject to the dual-office-holding prohibition of s. 5(a), Art. II of the State Constitution. All meetings of any entity are public, and minutes must be kept. Public records are maintained by the agency under which the entity is created.⁷

The Bill

The bill creates the Statewide Office for Suicide Prevention in the Office of Drug Control (office) within the Executive Office of the Governor and specifies duties for the office including:

- Developing a network of community-based programs to improve suicide prevention initiatives;
- Implementing the statewide plan prepared by the Suicide Prevention Coordinating Council;
- Increasing public awareness concerning topics relating to suicide prevention;
- Coordinating education and training curricula in suicide prevention efforts for professionals who may have contact with persons at risk of committing suicide; and
- Directing an interagency workgroup within the Suicide Prevention Coordinating Council.

Subject to a specific appropriation, the bill requires the director of the office to employ a coordinator of the Statewide Office for Suicide Prevention and specifies the education, experience, and skills to consider when hiring such coordinator. Duties of the coordinator include:

- Facilitating an interagency workgroup;
- Reviewing suicide prevention programs to identify innovative models;
- Developing and maintaining an Internet website related to suicide prevention; and
- Assisting in the development of public awareness and media campaigns.

The bill also creates a Suicide Prevention Coordinating Council (coordinating council) of 27 members in the office. The coordinating council is required, among other things, to create a statewide plan for suicide prevention and create a state interagency workgroup in order to incorporate state agency plans for suicide prevention into such statewide plan. The bill specifies the membership, terms of office, and the duties of both the coordinating council and the workgroup. The coordinating council must make findings and recommendations regarding suicide prevention programs and activities, and must report annually to the Governor and the Legislature.

C. SECTION DIRECTORY:

Section 1. Creates s. 397.3335, F.S., to create the Statewide Office for Suicide Prevention.

Section 2. Creates s. 397.3336, F.S., to create the Suicide Prevention Coordinating Council.

Section 3. Authorizes one FTE and appropriates \$100,000 from the General Revenue Fund to the Office of Drug Control to implement the provisions of the bill for fiscal year 2006-2007.

Section 4. Provides for an effective date of July 1, 2006.

⁷ Section 20.052(1) – (5), F.S.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill authorizes the coordinator to seek grants and other methods of funding from the federal government and nongovernmental organizations. If such activities are successful, the Office of Suicide Prevention will receive additional revenue to further its stated activities.

2. Expenditures:

The bill authorizes one FTE and appropriates \$100,000 from the General Revenue Fund to the Office of Drug Control to implement the provisions of the bill for fiscal year 2006-2007.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not create, modify, amend, or eliminate a local revenue source.

2. Expenditures:

The bill does not create, modify, amend, or eliminate a local expenditure.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

In a report of the Committee on Pathophysiology and Prevention of the Adolescent and Adult Suicide Board on Neuroscience and Behavioral Health, it was stated that the emotional cost of suicide is great and that for family and friends of suicide victims, the personal loss is most important. Nonetheless, an additional economic cost that society incurs with suicides consists of four factors:

- Medical expenses of emergency intervention and non-emergency treatment. These costs are not borne by the health care industry alone, but by all of society through higher health care costs that are ultimately passed on to workers and taxpayers;
- The lost and/or reduced productivity of people suffering from a suicide attempt;
- The lost productivity of the loved ones grieving a suicide; and
- Lost wages of those who commit suicide.⁸

Estimates of the economic costs of suicide vary, but a reduction in the number of suicide attempts and completed suicides would result in a reduction in costs related to medical treatment and hospitalizations, costs related to disability, and lost earnings.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds. The bill does not reduce the percentage of a state tax shared with counties or municipalities. The bill does not reduce the authority that municipalities have to raise revenue.

⁸ S. Goldsmith, T. Pellmar, et al. Reducing Suicide: A National Imperative. The National Academies Press. 2002.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Chapter 20, F.S., provides for the organizational structure of the executive branch of state government and provides a uniform nomenclature for entities within that branch. The Legislature is not bound by the definitions contained in that chapter and may create executive branch entities that do not conform to the standard; however, consistency with that uniform nomenclature provides for greater consistency across state government entities. Section 20.04, F.S., currently does not contain a general definition for "office," although there are some departments explicitly created with offices.⁹ Typically, such "offices" do not formally contain other "offices," but "units" or "sections." This bill creates an "office" (Statewide Office for Suicide Prevention) within an "office" (Office of Drug Control) within an "office" (the Executive Office of the Governor).

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On February 22, 2006, the Governmental Operations Committee adopted three amendments to the bill which:

- Increase the number of members of the Suicide Prevention Coordinating Council (council) from 26 to 27 members by adding a representative from the Florida Council for Community Mental Health to the council membership. This increases the number of appointees appointed by the director of the Office of Drug Control from 12 to 13; and
- Provide for the staggering of the members' four-year terms.

The bill was reported favorably with committee substitute.

⁹ See, for example, s. 20.04(4)(5) and (6), Florida Statutes, where the Departments of Children and Family Services, Corrections and Transportation are specifically created to be outside of the uniform structure provided by chapter 20, Florida Statutes.

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CHAMBER ACTION

The Governmental Operations Committee recommends the following:

Council/Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to suicide prevention; creating s. 397.3335, F.S.; creating the Statewide Office for Suicide Prevention in the Office of Drug Control; providing the goals and objectives of the office; creating the position of statewide coordinator for the statewide office, contingent upon a specific appropriation; specifying the education and experience requirements for the position of coordinator; detailing the duties and responsibilities of the coordinator; authorizing the Statewide Office for Suicide Prevention to seek and accept grants or funds from any source to support its operation; creating s. 397.3336, F.S.; creating the Suicide Prevention Coordinating Council within the Office of Drug Control; providing the scope of activities for the coordinating council; creating an interagency workgroup for state agencies within the coordinating council in order to coordinate state agency plans for suicide prevention; authorizing the coordinating council to assemble an ad hoc committee to advise the

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24 coordinating council; requiring a report to the Governor
25 and Legislature; providing for membership on and meetings
26 of the coordinating council; providing per diem and travel
27 expenses for coordinating council members; providing an
28 appropriation and authorizing a position; providing an
29 effective date.

30
31 Be It Enacted by the Legislature of the State of Florida:

32
33 Section 1. Section 397.3335, Florida Statutes, is created
34 to read:

35 397.3335 Statewide Office for Suicide Prevention.--

36 (1)(a) The Statewide Office for Suicide Prevention is
37 created in the Office of Drug Control within the Executive
38 Office of the Governor.

39 (b) The statewide office shall develop a network of
40 community-based programs to improve suicide prevention
41 initiatives. The network shall identify and work to eliminate
42 barriers that impede providing suicide prevention services to
43 individuals who are at risk of suicide.

44 (c) The network of community-based programs shall consist
45 of stakeholders advocating suicide prevention, including, but
46 not limited to, not-for-profit suicide prevention organizations,
47 faith-based suicide prevention organizations, law enforcement
48 agencies, first responders to emergency calls, suicide
49 prevention community coalitions, schools and universities,
50 mental health agencies, substance abuse agencies, health care
51 providers, and school personnel.

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52 (2) The statewide office shall, within available
53 resources:

54 (a) Implement the statewide plan prepared by the Suicide
55 Prevention Coordinating Council.

56 (b) Build a network of community-based programs to
57 integrate suicide prevention initiatives into program
58 activities.

59 (c) Increase public awareness concerning topics relating
60 to suicide prevention.

61 (d) Coordinate education and training curricula in suicide
62 prevention efforts for law enforcement personnel, first
63 responders to emergency calls, health care providers, school
64 employees, and other persons who may have contact with persons
65 at risk of suicide.

66 (e) Direct an interagency workgroup within the Suicide
67 Prevention Coordinating Council to prepare a suicide prevention
68 communication plan among state agencies. The communication plan
69 must be incorporated into the council's statewide plan.

70 (3) Contingent upon a specific appropriation, the director
71 of the Office of Drug Control shall employ a coordinator for the
72 Statewide Office for Suicide Prevention. In selecting the
73 coordinator, the director of the Office of Drug Control should
74 consider whether a candidate has:

75 (a) The following education and employment experience:

76 1. A bachelor's degree in social work, psychology,
77 sociology, counseling, public health, or a closely related field
78 and 5 or more years of work experience in behavioral health care
79 or a closely related field.

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80 2. A master's or a doctoral degree in social work,
81 psychology, sociology, counseling, public health, or a closely
82 related field and 2 or more years of work experience in
83 behavioral health or a closely related field.

84 (b) The following skills:

85 1. Significant professional experience in social services,
86 mental health, or a closely related field.

87 2. Knowledge of group behavior and dynamics, methods of
88 facilitation, community development, behavioral health treatment
89 and prevention programs, and community-based behavioral health
90 problems.

91 3. Experience in working with community groups and
92 constituents that are diverse and representative of the gender,
93 ethnic, and racial populations in this state.

94 4. Experience in writing grant proposals and technical
95 reports.

96 (4) The coordinator shall work under the direction of the
97 director of the Office of Drug Control to achieve the goals and
98 objectives set forth in this section. The coordinator shall:

99 (a) Facilitate an interagency workgroup within the Suicide
100 Prevention Coordinating Council to integrate state agency
101 programs for suicide prevention into a unified statewide plan.

102 (b) Review local, state, and national suicide prevention
103 programs for examples of innovative suicide prevention models.
104 If innovative models are discovered, the coordinator shall
105 prepare a report to describe the feasibility of implementing
106 some or all of the innovative models in this state. The report
107 must be filed with the President of the Senate, the Speaker of

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108 the House of Representatives, and the Suicide Prevention
109 Coordinating Council after review and approval of the report by
110 the director of the Office of Drug Control. The innovative
111 models, and the feasibility of their implementation in this
112 state, shall be evaluated by the Suicide Prevention Coordinating
113 Council, which shall file a report with the President of the
114 Senate, the Speaker of the House of Representatives, and the
115 Governor if the council determines that legislation is necessary
116 to implement an innovative model.

117 (c) Develop and maintain an Internet website with links to
118 appropriate suicide prevention resource documents, suicide
119 hotlines, state and community mental health agencies, and
120 appropriate national suicide prevention organizations.

121 (d) Identify and disseminate information regarding crisis
122 services for suicide prevention.

123 (e) Join with stakeholders in suicide prevention to
124 develop public awareness and media campaigns in each county
125 directed towards persons who are at risk of suicide.

126 (f) Provide technical assistance to educational activities
127 for residents of this state relating to suicide prevention.

128 (g) Cooperate with school districts to develop training
129 and counseling programs for school-based suicide prevention
130 activities. The coordinator and school districts must also
131 develop a method by which to evaluate each prevention training
132 and counseling program.

133 (h) Join with stakeholders in suicide prevention to
134 develop education and training programs for suicide prevention.
135 The education and training programs must be directed first to

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persons who have face-to-face contact with individuals who may
be at risk of suicide. The training must assist persons to
recognize when an individual is at risk of suicide and how to
properly refer those individuals to treatment or support
services.

(i) Review current research data and findings to identify
at-risk populations, factors relating to suicide, and suicide
prevention activities and disseminate this research to the
Suicide Prevention Coordinating Council to develop strategies
for preventing suicide.

(j) Develop and submit proposals to agencies of the state,
the Federal Government, and nongovernmental organizations for
funding suicide prevention activities.

(5) The Statewide Office for Suicide Prevention may seek
and accept grants or funds from any federal, state, or local
source to support its operation and defray the expenses incurred
in its operation and implementation.

Section 2. Section 397.3336, Florida Statutes, is created
to read:

397.3336 Suicide Prevention Coordinating Council;
creation; membership; duties.--There is created within the
Office of Drug Control a Suicide Prevention Coordinating
Council. The council shall develop strategies for preventing
suicide.

(1) SCOPE OF ACTIVITY.--The Suicide Prevention
Coordinating Council is a coordinating council as defined in s.
20.03(9) and shall:

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(a) Advise the Statewide Office for Suicide Prevention regarding the development of a statewide plan for suicide prevention, with the guiding principle being that suicide is a preventable problem. The statewide plan must:

1. Align and provide direction for statewide suicide prevention initiatives.
2. Establish partnerships with state and private agencies to promote public awareness of suicide prevention.
3. Address specific populations in this state who are at risk for suicide.
4. Improve access to help individuals in acute situations.
5. Identify resources to support the implementation of the statewide plan.

(b) Create an interagency workgroup within the council in order to incorporate state agency plans for suicide prevention into the statewide plan. The interagency workgroup must include, but need not be limited to:

1. The Secretary of Elderly Affairs, or his or her designee.
2. The Secretary of Health, or his or her designee.
3. The Commissioner of Education, or his or her designee.
4. The Secretary of Health Care Administration, or his or her designee.
5. The Secretary of Juvenile Justice, or his or her designee.
6. The executive director of the Department of Law Enforcement, or his or her designee.

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190 7. The Secretary of Children and Family Services, or his
191 or her designee.

192 8. The Secretary of Corrections, or his or her designee.

193 9. The executive director of the Department of Veterans'
194 Affairs, or his or her designee.

195 10. The director of the Agency for Workforce Innovation,
196 or his or her designee.

197 (c) Assemble an ad hoc advisory committee with membership
198 from outside the council when necessary in order for the council
199 to receive advice and assistance in carrying out its
200 responsibilities.

201 (d) Advise the Statewide Office for Suicide Prevention.

202 (e) Make findings and recommendations regarding suicide
203 prevention programs and activities. The council shall prepare an
204 annual report and present it to the Governor, the President of
205 the Senate, and the Speaker of the House of Representatives by
206 January 1, 2007, and each year thereafter. The annual report
207 must describe the status of existing and planned initiatives
208 identified in the statewide plan for suicide prevention and any
209 recommendations arising therefrom.

210 (2) MEMBERSHIP.--The Suicide Prevention Coordinating
211 Council shall consist of 27 members.

212 (a) Thirteen members shall be appointed by the director of
213 the Office of Drug Control and shall represent the following
214 organizations:

215 1. The Substance Abuse and Mental Health Corporation,
216 Inc., described in s. 394.655.

217 2. The Florida Association of School Psychologists.

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- 218 3. The Florida Sheriffs Association.
- 219 4. The Suicide Prevention Action Network USA.
- 220 5. The Florida Initiative for Suicide Prevention.
- 221 6. The Florida Suicide Prevention Coalition.
- 222 7. The Alzheimer's Association.
- 223 8. The Florida School Board Association.
- 224 9. Volunteer Florida, Inc.
- 225 10. Florida AARP.
- 226 11. The Florida Alcohol and Drug Abuse Association.
- 227 12. The Florida Counseling Association.
- 228 13. The Florida Council for Community Mental Health.
- 229 (b) The following state officials shall be appointed to
230 the coordinating council:
- 231 1. The Secretary of Elderly Affairs, or his or her
232 designee.
- 233 2. The Secretary of Health, or his or her designee.
- 234 3. The Commissioner of Education, or his or her designee.
- 235 4. The Secretary of Health Care Administration, or his or
236 her designee.
- 237 5. The Secretary of Juvenile Justice, or his or her
238 designee.
- 239 6. The Secretary of Corrections, or his or her designee.
- 240 7. The executive director of the Department of Law
241 Enforcement, or his or her designee.
- 242 8. The executive director of the Department of Veterans'
243 Affairs, or his or her designee.
- 244 9. The Secretary of Children and Family Services, or his
245 or her designee.

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246 10. The director of the Agency for Workforce Innovation,
247 or his or her designee.

248 (c) The Governor shall appoint four additional members to
249 the coordinating council. The appointees must have expertise
250 critical to the prevention of suicide or represent an
251 organization that is not already represented on the coordinating
252 council.

253 (d) Council members shall be appointed to staggered terms
254 of 4 years each, in accordance with s. 20.052. Any vacancy on
255 the coordinating council shall be filled in the same manner as
256 the original appointment, and any member appointed to fill a
257 vacancy occurring because of death, resignation, or
258 ineligibility for membership shall serve only for the unexpired
259 term of the member's predecessor. A member is eligible for
260 reappointment.

261 (e) Members of the coordinating council shall serve
262 without compensation. Any member of the coordinating council who
263 is a public employee is entitled to reimbursement for per diem
264 and travel expenses as provided in s. 112.061.

265 (3) MEETINGS.--

266 (a) The director of the Office of Drug Control shall be a
267 nonvoting, ex officio member of the coordinating council and
268 shall act as chair.

269 (b) The coordinating council shall meet at least quarterly
270 or upon the call of the chair. The council meetings may be held
271 via teleconference or other electronic means.

272 (c) Public organizations shall participate and cooperate
273 with the coordinating council.

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274 Section 3. One full-time equivalent position is authorized
275 and the sum of \$100,000 is appropriated from the General Revenue
276 Fund to the Office of Drug Control for the purpose of
277 implementing this act during the 2006-2007 fiscal year.

278 Section 4. This act shall take effect July 1, 2006.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS



BILL #: HB 567 CS

Notaries Public

SPONSOR(S): Kyle

TIED BILLS: None

IDEN./SIM. BILLS: SB 1312

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Civil Justice Committee	6 Y, 0 N, w/CS	Shaddock	Bond
2) Governmental Operations Committee	5 Y, 0 N	Brown	Williamson
3) Transportation & Economic Development Appropriations Committee		McAuliffe 	Gordon 
4) Justice Council			
5)			

SUMMARY ANALYSIS

A notary public is an appointed public officer, commissioned by the Governor, whose function is to administer oaths, take acknowledgments of deeds and other instruments, attest to or certify photocopies of certain documents, and perform other duties.

This bill requires a notary to maintain a journal of notarial acts. The record in the journal must include the date, time, and type of notarial act; the title or name of the document or transaction; the printed name and signature of the signer; and the signer's complete address, telephone number, and specific type of identification presented by the signer. A notary who is either an attorney licensed in this state or who is employed by an attorney licensed in this state is not required to maintain a journal.

This bill also authorizes a notary public to charge \$10 dollars for each signature notarized, rather than per document. However, the bill prohibits notaries public from charging fees for services to a U.S. military veteran, firefighter, or law enforcement officer applying for a pension, allotment, allowance, compensation, insurance policy, or other benefit resulting from public service.

This bill does not appear to have a fiscal impact on state or local governments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government -- This bill increases the regulation of notaries public.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

A notary public (hereinafter "notary" or "notaries") is a "public officer appointed and commissioned by the Governor whose function is to administer oaths; to take acknowledgments of deeds and other instruments; to attest to or certify photocopies of certain documents; and to perform other duties specified by law."¹

Chapter 117, F.S.,² provides for notaries and directs that the Governor is authorized to appoint as many notaries as necessary.³ A notary must be at least 18 years of age, maintain legal residence in the state throughout the commission, and possess the ability to read, write, and understand English.

Once appointed, a notary serves a four-year term.⁴ During the term of office, a notary must post and maintain a \$7,500 bond payable to any individual harmed as a result of a notaries breach of duty.⁵ The bond must be approved and filed with the Department of State and executed by a surety company that is authorized to transact business in Florida.⁶ If a surety pays an individual harmed by the notary for breach of duty, the company must notify the Governor of the payment and the underlying circumstances.⁷

Duties of a Notary

A notary is approved to perform six functions: administer oaths or affirmations;⁸ take acknowledgements;⁹ attest to photocopies of certain documents;¹⁰ solemnize marriage;¹¹ verify vehicle identification numbers;¹² and certify contents of a safe-deposit box.¹³ With the exception of solemnizing a marriage, a notary public cannot charge more than \$10 for each notarial act.¹⁴ Any person who unlawfully possesses a notary public official seal or any papers or copies relating to notarial acts is guilty of a misdemeanor of the second degree,¹⁵ as anyone who impersonates a notary.¹⁶

¹ *Governor's Reference Manual for Notaries*, State of Florida, November 2001 ed., pg. 6 (hereinafter "*Reference Manual*").

² See 1 Fla. Jur 2d Acknowledgments s. 42 stating, "[b]ecause a notary public is generally held to be a public officer, the eligibility of a person to be a notary public is largely regulated by statutory provisions," and citing *Smith v. McEwen*, 161 So. 68 (1935) (notaries public are recognized officers of Florida).

³ Section 117.01(1), F.S.

⁴ *Id.*

⁵ Section 117.01(7)(a), F.S.

⁶ *Id.*

⁷ Section 117.01(8), F.S.

⁸ Section 117.03, F.S.

⁹ Section 117.04, F.S.

¹⁰ Section 117.05(12)(a), F.S.

¹¹ Section 117.045, F.S.

¹² Section 319.23(3)(a)2., F.S.

¹³ Section 655.94(1), F.S.

¹⁴ Sections 117.05(2)(a) and 117.045, F.S.

¹⁵ Section 117.05(3)(e), F.S.

¹⁶ Section 117.05(7), F.S.

Suspension of a Notary

The Governor can suspend a notary for any of the grounds provided in Art. 4, s. 7, Fla. Const.¹⁷ The Governor also may suspend a notary for grounds of malfeasance, misfeasance, or neglect of duty, as specified in s. 117.01(4), F.S.¹⁸

Effect of Bill

The bill requires a notary to maintain a journal of notarial acts.¹⁹ The journal is to contain each notarial act in sequential order. The record in the journal must include the date, time, and type of notarial act; the title or name of the document or transaction; the printed name and signature of the signer; and the signer's complete address, telephone number, and specific type of identification presented by the signer.²⁰ Moreover, the notarial journal must be maintained by a notary for at least 5 years after the date of the last entry. Should a journal be stolen, lost, misplaced, destroyed, or rendered unusable, the notary is required to immediately notify the Executive Office of the Governor in writing of the circumstances of the incident. Finally, failure by a notary to comply with these requirements could result in the suspension or non-renewal of the notary's public commission by the Executive Office of the Governor.

A notary who is either an attorney licensed in this state or who is employed by an attorney licensed in this state is not required to maintain a journal of notarial acts.

Current law allows a notary to charge up to \$10 per notarial act.²¹ This bill permits a notary to charge \$10 per signature notarized, rather than \$10 per notarial act. However, a notary may not charge fees for services to a U.S. military veteran, firefighter, or law enforcement officer who is applying for a pension, allotment, allowance, compensation, insurance policy, or other benefit resulting from public service.

C. SECTION DIRECTORY:

Section 1 amends s. 117.05, F.S., regarding notary fees.

¹⁷ The grounds for suspension by the Governor found in Art. 4, s. 7, Fla. Const. are: "malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform official duties, or commission of a felony...."

¹⁸ Grounds of malfeasance, misfeasance, or neglect of duty, specified in section 117.01(4), F.S., include, but are not limited to: a material false statement on the application; a complaint found to have merit by the Governor; failure to cooperate or respond to an investigation by the Governor's Office or the Department of State regarding a complaint; Official misconduct as defined in s. 838.022, F.S.; false or misleading advertising relating to notary public services; unauthorized practice of law; failure to report a change in address or telephone number within the required time or failure to request an amended commission following a name change; commission of fraud, misrepresentation, or any intentional violation of ch. 117, F.S.; charging fees in excess of fees authorized by law; or failure to maintain the required bond.

¹⁹ In 1998, the Legislature enacted a law that required all electronic notarizations to be logged in a journal. See, ch. 98-246, L.O.F.; s. 117.20, F.S., (1998 Supp.). Each notarial act memorialized in the journal had to include certain information and be kept at least five years. If the journal was lost or stolen, the notary had to notify the Governor's Office or the Department of State. The notary public had to let the Governor's Office or the Department of State inspect the journal at any time it requested. In 1999, the law was repealed. See, s. 165, ch. 99-251, L.O.F. Although Florida law does not currently require the use of a notary journal, the *Governor's Reference Manual for Notaries* recommends that notaries voluntarily maintain a journal. *Reference Manual*, at 42.

²⁰ The National Notary Association ("NNA") compiled the Model Notary Act of 2002, which was an attempt to modernize the notary public office. The Act was the work of a drafting committee of individuals from the legal, business and governmental spheres. See http://www.nationalnotary.org/UserImages/Model_Notary_Act.pdf (last visited March 2, 2006). The Model Notary Act, in ss. 7-1 and 7-2, requires a notary to maintain a journal and suggests that the journal contain a list of information for each act performed; which would include the thumbprint of each principal and witness in a notarial act. The thumbprint requirement, along with several other requirements, was considered controversial by the committee. Comment, s. 7-2(a), Model Notary Act. The instant bill contains no such provision.

²¹ Section 117.05(2)(b)2., F.S.

Section 2 creates s. 117.071, F.S., requiring a notary to maintain a journal of each notarial act.

Section 3 provides an effective date of January 1, 2007.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not create, modify, amend, or eliminate a state revenue source.

2. Expenditures:

The bill does not create, modify, amend, or eliminate a state expenditure.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not create, modify, amend, or eliminate a local revenue source.

2. Expenditures:

The bill does not create, modify, amend, or eliminate a local expenditure.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

A notary public must purchase a journal for recording notarial acts.²²

D. FISCAL COMMENTS:

Due to the new requirements of this bill, the amount of time necessary for a notary public to notarize a document may be increased, thereby potentially increasing the cost of businesses that rely on notary services.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Public Records Law

²² Journals of notarial acts can be purchased for between \$11.95, with space for over 700 entries, to \$34.99, which provides space for 775 notarizations.

Under s. 119.07(1)(a), F.S.:

Every person who has custody of a public record shall permit the record to be inspected and copied by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public records.

As used in s. 119.07, F.S., the term "public records" means:

all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.²³

As used in s. 119.07, F.S., the term "agency" means:

any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.²⁴

Because a notary public is a public officer under the State Constitution, the notary journal required by this bill may be a public record that is available for inspection and copying pursuant to Art. I, s. 24(a), Fla. Const. and ch. 119, F.S.

Journal Requirement

The *Reference Manual* drafted by the Governor's Task Force on Notaries Public in 1989 suggested the mandatory use of journals.²⁵ Moreover, while notary journals are not required to maintain a journal under current law, the *Reference Manual* recommends "any notary who is concerned with liability may want to consider this protective measure to provide a permanent record of his or her notarial acts."²⁶ Furthermore, the National Notary Association maintains that the use of a notarial journal will assist in preventing real estate fraud. It appears that the NNA's chief tool in preventing real estate fraud is the requirement that each document signer place a thumbprint in the notarial journal; a requirement absent from this bill.

Detractors of the bill point to the increased responsibility a notary would have for each signature as being unduly cumbersome. Their concern revolves around the additional time needed for a notary need to comply with the new requirements.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On February 22, 2006, the Civil Justice Committee adopted an amendment removing everything after the enacting clause. The amendment modified the bill in the following manner:

- An exception to the journal requirement was created. A notary who is either an attorney licensed in this state or who is employed by an attorney licensed in this state is not required to maintain a journal of notarial acts.

²³ Section 119.011(11), F.S.

²⁴ Section 119.011(2), F.S.

²⁵ *Reference Manual*, at 42.

²⁶ *Id.*, at 43.

- In the event a notary's journal is stolen, lost, misplaced, destroyed, or rendered unusable, the amendment requires the notary to notify solely the Executive Office of the Governor.
- The title was corrected.

The bill was then reported favorably with a committee substitute.

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CHAMBER ACTION

The Civil Justice Committee recommends the following:

Council/Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to notaries public; amending s. 117.05, F.S.; authorizing notaries public to charge a fee per notarized signature; requiring notaries public to provide services without charge to certain persons; creating s. 117.071, F.S.; requiring notaries public to maintain a journal and to record notarial acts; providing an exception; providing requirements for journal entries; requiring retention of the journal for a specified period after the last entry and requiring certain notice upon failure to do so; providing that failure to comply with such requirements may constitute grounds for suspension or nonrenewal of the notary public commission by the Executive Office of the Governor; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

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Section 1. Subsection (2) of section 117.05, Florida Statutes, is amended to read:

117.05 Use of notary commission; unlawful use; notary fee; seal; duties; employer liability; name change; advertising; photocopies; penalties.--

(2)(a) The fee of a notary public may not exceed \$10 per signature notarized for any one notarial act, except as provided in s. 117.045.

(b) A notary public may not charge a fee:

1. For witnessing an absentee ballot in an election, and must witness such a ballot upon the request of an elector, provided the notarial act is in accordance with the provisions of this chapter.

2. For any notarial act performed for a United States military veteran or a firefighter or law enforcement officer applying for a pension, allotment, allowance, compensation, insurance policy, or other benefit resulting from public service.

Section 2. Section 117.071, Florida Statutes, is created to read:

117.071 Use of journal for notarial acts.--

(1) Each notarial act shall be recorded by the notary public sequentially in a journal in accordance with the provisions of this chapter. A notary who is either an attorney at law licensed to practice in this state or who is employed by an attorney at law licensed to practice in this state is exempt from the requirement to keep a journal of notarial acts.

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50 (a) For each notarial act, the notary public shall record
51 in the journal at the time of notarization:

- 52 1. The date and time of the notarial act.
53 2. The type of notarial act.
54 3. The title or name of the document or transaction.
55 4. The signer's printed name and signature.
56 5. The signer's complete address, telephone number, and
57 specific type of identification presented by the signer.

58 (b) The notary public must retain the journal for
59 safekeeping for at least 5 years after the date of the last
60 entry.

61 (c) If the notary public journal is stolen, lost,
62 misplaced, destroyed, or rendered unusable within the time
63 period specified in paragraph (b), the notary public must
64 immediately notify the Executive Office of the Governor in
65 writing of the circumstances of the incident.

66 (2) Failure of a notary public to comply with the
67 requirements of this section may constitute grounds for
68 suspension or nonrenewal of the notary public commission by the
69 Executive Office of the Governor.

70 Section 3. This act shall take effect January 1, 2007.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

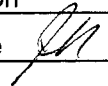

BILL #: HB 627 CS

License Plates

SPONSOR(S): Brummer

TIED BILLS:

IDEN./SIM. BILLS: SB 538

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Criminal Justice Committee	6 Y, 1 N, w/CS	Kramer	Kramer
2) Transportation Committee	13 Y, 4 N, w/CS	Thompson	Miller
3) Transportation & Economic Development Appropriations Committee		McAuliffe 	Gordon 
4) Justice Council			
5)			

SUMMARY ANALYSIS

HB 627 w/CS requires the Department of Highway Safety and Motor Vehicles to develop a DUI license plate that must be displayed on any vehicle that is operated by a person whose driving privileges are restricted pursuant to s. 322.271, F.S. because of a conviction related to driving under the influence. The bill also requires the DUI license plate to be a condition of issuance of the offender's restricted driver license.

The license plate must be a bright coral color that is easily distinguished from other license plates issued by the department. The bill requires the first three letters of the plate to be "DUI". The bill requires an additional annual surcharge of \$20 to be collected for each DUI plate and the proceeds from the surcharge to be deposited into the Trauma Services Trust Fund.

This bill becomes effective July 1, 2006

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government: The bill requires a person who has been convicted of DUI to use a DUI license plate in certain circumstances.

B. EFFECT OF PROPOSED CHANGES:

Upon conviction for driving under the influence (DUI)¹, the court must revoke the driver's license of the convicted person as follows:

- For a first conviction, the driver's license must be revoked for not less than 180 days or more than 1 year.
- For a second conviction for an offense that occurs within 5 years after the date of a prior conviction, the driver's license must be revoked for not less than 5 years.
- For a third conviction for an offense that occurs within a period of 10 years after the date of a prior conviction, the driver's license must be revoked for not less than 10 years.
- For a fourth conviction, the driver's license must be permanently revoked.²

Section 322.271, F.S. authorizes the department to issue a restricted license that is commonly known as a "hardship" license upon a showing that the revocation of an offender's license causes a serious hardship and precludes the person's carrying out his or her normal business, occupation, trade or employment and that the use of the person's license in the normal course of his or her business is necessary to the proper support of the person or his or her family. The following are the two types of restricted driving privileges for a DUI:

- A driving privilege restricted to business purposes only, means a driving privilege that is limited to any driving necessary to maintain livelihood, including driving to and from work, necessary on-the-job driving, driving for educational purposes, and driving for church and for medical purposes.
- A driving privilege restricted to employment purposes only, means a driving privilege that is limited to driving to and from work and any necessary on-the-job driving required by an employer or occupation.

A person whose license has been revoked for a DUI offense for 5 years or less is required to wait 12 months before applying for a hardship license. A person whose license has been revoked for more than 5 years is required to wait 24 months before applying for a hardship license.³ A person whose license has been permanently revoked because of a fourth DUI conviction is not eligible to apply for a hardship license.⁴

HB 627 w/CS requires the Department of Highway Safety and Motor Vehicles to develop a DUI license plate that must be displayed on any vehicle that is operated by a person whose driving privileges are restricted pursuant to s. 322.271, F.S. because of a conviction relating to driving under the influence in violation of s. 316.193, F.S.

The license plate must be a bright coral color that is easily distinguished from other license plates issued by the department. The bill requires the word "Florida" to appear at the top of the plate and the first three letters of the plate to be "DUI". The bill requires an additional annual surcharge of \$20 to be

¹s. 316.193, F.S.

²s. 322.28(2)(a), F.S.

³s. 322.271(2)(b), F.S.

⁴s. 322.28(2)(e), F.S.

collected for each DUI plate and the proceeds from the surcharge to be deposited into the Trauma Services Trust Fund created by s. 395.4035, F.S.⁵

The bill also amends s. 322.27, F.S., to provide that as a condition of issuance of the "hardship license" the DHSMV must place the DUI license plate restriction on the offender's driver license. The purpose of the placement of the additional restriction on the offender's driver license is to inform law enforcement that a DUI license plate must be displayed on the vehicle being operated by the offender.

C. SECTION DIRECTORY:

Section 1. Requires a driver whose driving privilege is restricted for a DUI offense to have a DUI license plate; provides for the design of the plate; and provides for the collection and use of a \$20 surcharge for the license plate.

Section 2. Amends s. 322.27, F.S., to require a DUI license plate restriction as a condition of issuing a hardship license.

Section 3. Provides effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The Department of Highway Safety and Motor Vehicles (DHSMV) estimates that the bill will generate \$240,000 annually from surcharges for deposit into the Trauma Services Trust Fund based on the issuance of 12,000 hardship licenses per year.

2. Expenditures:

The department estimates that the bill will have an annual \$44,520 impact for the design, manufacture and distribution of a new license plate - \$15,000 in personnel costs and \$29,520 in license plate costs. The bill will also require contracted programming modifications to the Motor Vehicle software systems at an estimated cost of \$26,915.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

A person who is issued a DUI license plate will be required to pay a \$20 annual surcharge for the license plate.

D. FISCAL COMMENTS:

None.

⁵ Section 395.4035, F.S. creates the Trauma Services Trust Fund which is required to be used for the development and support of a system of state-sponsored trauma centers.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require the counties or cities to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

Special license plate: In *Goldschmitt v. State*,⁶ the Second District Court of Appeal ruled on the constitutionality of a DUI offender being required to place a bumper sticker on his vehicle which read, "CONVICTED D.U.I. – RESTRICTED LICENSE". The court rejected the offender's claim that the order infringed upon his First Amendment rights by "forcing him to broadcast an ideological message via the bumper sticker."⁷ The court also ruled that the bumper sticker did not constitute cruel and unusual punishment. See also, *Lindsay v. State*, 606 So.2d 652 (Fla. 4th DCA 1992)(requirement that probationer place and pay for advertisement in newspaper consisting of defendant's mug shot, name and caption indicating defendant was "DUI –convicted" did not violate constitution).

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

According to the bill's sponsor, this legislation is intended to address a public safety issue by providing notice to other drivers that a vehicle is being operated by a person whose driving privileges are restricted due to a violation of driving under the influence.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

The Criminal Justice Committee adopted three amendments. The first amendment changed the color of the license plate from bright pink to bright coral. The second amendment removed language from the original bill which would have allowed a law enforcement officer to stop any vehicle that bears a DUI plate without probable cause to check the operator for compliance with the restrictions provided in s. 316.193, F.S. The third amendment corrected a statutory reference in the bill.

On March 7, 2006 the Committee on Transportation amended HB 627 to require the DUI license plate restriction as a condition of issuance of the offender's restricted driver license. The committee then voted 13-4 to report the bill favorably with committee substitute.

⁶ *Goldschmitt v. State*, 490 So.2d 123 (Fla. 2nd DCA 1986)

⁷ *Goldschmitt*, 490 So.2d at 125.

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CHAMBER ACTION

1 The Transportation Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to license plates; requiring a driver
7 whose driving privileges are restricted because of a
8 conviction related to driving under the influence to have
9 a DUI plate on any vehicle that he or she operates;
10 providing for the Department of Highway Safety and Motor
11 Vehicles to develop such a plate; providing requirements
12 for such a plate; providing an annual surcharge for the
13 plate; providing for the use of such surcharge; amending
14 s. 322.271, F.S.; requiring that a person whose driving
15 privilege has been revoked under a specified provision
16 only be granted restricted driving privileges on the
17 condition that he or she operates only a vehicle that
18 displays a DUI license plate; providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. (1) The Department of Highway Safety and Motor
23 Vehicles shall develop a DUI license plate that must be

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displayed on any vehicle that is operated by a person whose driving privileges are restricted pursuant to s. 322.271, Florida Statutes, because of a conviction related to driving under the influence in violation of s. 316.193, Florida Statutes.

(2) The plate shall be a bright coral color that is easily distinguishable from other plates issued in this state. The word "Florida" must appear at the top of the plate, and the first three letters in the alphanumeric numbering system used on the plate must be "DUI".

(3) In addition to the other license plate fees and charges collected, an annual surcharge of \$20 shall be collected for each DUI plate. The proceeds from the surcharge shall be deposited into the Trauma Services Trust Fund created by s. 395.4035, Florida Statutes, and used for purposes provided in that section.

Section 2. Subsection (1) of section 322.271, Florida Statutes, is amended to read:

322.271 Authority to modify revocation, cancellation, or suspension order.--

(1)(a) Upon the suspension, cancellation, or revocation of the driver's license of any person as authorized or required in this chapter, except a person whose license is revoked as a habitual traffic offender under s. 322.27(5) or a person who is ineligible to be granted the privilege of driving on a limited or restricted basis under subsection (2), the department shall immediately notify the licensee and, upon his or her request, shall afford him or her an opportunity for a hearing pursuant to

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chapter 120, as early as practicable within not more than 30 days after receipt of such request, in the county wherein the licensee resides, unless the department and the licensee agree that such hearing may be held in some other county.

(b) A person whose driving privilege has been revoked under s. 322.27(5) may, upon expiration of 12 months from the date of such revocation, petition the department for reinstatement of his or her driving privilege. Upon such petition and after investigation of the person's qualification, fitness, and need to drive, the department shall hold a hearing pursuant to chapter 120 to determine whether the driving privilege shall be reinstated on a restricted basis solely for business or employment purposes.

(c) For the purposes of this section, the term:

1. "A driving privilege restricted to business purposes only" means a driving privilege that is limited to any driving necessary to maintain livelihood, including driving to and from work, necessary on-the-job driving, driving for educational purposes, and driving for church and for medical purposes.

2. "A driving privilege restricted to employment purposes only" means a driving privilege that is limited to driving to and from work and any necessary on-the-job driving required by an employer or occupation.

Driving for any purpose other than as provided by this paragraph is not permitted by a person whose driving privilege has been restricted to employment or business purposes. In addition, a person whose driving privilege is restricted to employment or

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80 | business purposes remains subject to any restriction that
81 | applied to the type of license which the person held at the time
82 | of the order of suspension, cancellation, or revocation. As a
83 | condition of the issuance of restricted driving privileges, the
84 | department shall also restrict a person whose driving privilege
85 | has been revoked under s. 322.28(2) to operating only a vehicle
86 | that displays a DUI license plate.



87 | Section 3. This act shall take effect July 1, 2006.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 705
SPONSOR(S): Littlefield
TIED BILLS:

Surplus State Lands

IDEN./SIM. BILLS: SB 1512

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Environmental Regulation Committee	6 Y, 0 N	Perkins	Kliner
2) Transportation & Economic Development Appropriations Committee		McAuliffe 	Gordon 
3) State Resources Council			
4)			
5)			

SUMMARY ANALYSIS

The bill amends surplus land statutory provision to permit the Department of Environmental Protection (DEP) to return any parcel of surplus land less than three acres in size that was gifted or conveyed to the state by a fair association prior to 1955. The land may be returned by the state to the fair association at no cost provided the DEP files a notice of intent to surplus by July 1, 2007.

The bill has an effective date of July 1, 2006, and provides for this statutory provision to expire on July 1, 2007.

The bill does not appear to have a significant fiscal impact on state or local government.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

The parcel of land affected by this bill is located in Pasco County, Florida and was conveyed to the State Board of Education from the Pasco County Fair Association in 1954. The property was to be used by the University of Florida Agricultural Experiment Station as a Poultry Diagnostic Clinic. The Pasco County Fair Association requested that in the event the property would no longer be used by the experiment station that the property revert back to the Pasco County Fair Association. However, the deed did not contain such a reverter clause.

Section 253.034, F. S., provides the criteria for the state to dispose of surplus lands. State lands identified as surplus are offered to local governments first and if the local governments have no interest in acquiring the proposed surplus property, the surplus land is then available for sale on the private market.

Presently, there is no surplus criteria identified in statute associated with lands previously gifted or conveyed to the state by a fair association incorporated under Chapter 616, F. S.

Effect of Proposed Change

The bill amends s. 253.034, F. S., to permit DEP to return any parcel of surplus land less than three acres in size which was conveyed or gifted to the state by a fair association prior to 1955 at no cost. This land must have been incorporated under chapter 616, Florida Statutes, for the purpose of conducting and operating public fairs and expositions. DEP is required to file a notice of intent to surplus by July 1, 2007.

The bill provides for this statutory provision to expire on July 1, 2007.

C. SECTION DIRECTORY:

Section 1. Amends s. 253.034(6)(f), F.S., regarding surplus state-owned lands.

Section 2. Provides the act will take effect July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The Bureau of Appraisal, Division of State Lands, has estimated a value range for the property to be between \$130,000 to \$175,000 and the improvements located on the property to range in value from \$0.00 to \$30,000. Note, this is not an official appraised value; however, it is indicative of a potential range of value for the property and improvements based on comparable sales in the area.

If the state were to surplus this land to the private market, the state would expect revenue based on the fair market value of the appraised value of the property.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Pasco County Fair Association will be the beneficiary of a parcel of land that they had conveyed to the Florida Board of Education in 1954, without placing a reverter in the conveyance.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to require cities or counties to spend funds or take actions requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Rule making is not addressed in this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Division of Forestry (DOF) Comments:

The property referred to in HB 705 was deeded to the Board of Education by the Pasco County Fair Association in 1954. It was used as an animal diagnostic lab until the mid-1990's, and was then leased to DOF by the Trustees in 1996. The improvements made by the Division of Animal Industry were transferred to DOF's inventory in September 1996. If the bill passes the land will revert back to the Pasco County Fair Association. The improvements were built after the title transferred to the State. There are two improvements on the DOF property inventory - a concrete block structure and a fence. The DOF objective is to dispose of the building without any significant expense. The Pasco County Fair Association advises that if the legislation passes and the building is put out for bids, the Pasco County Fair Association will submit a bid so if a third party does not purchase the building to be moved off site, the Pasco County Fair Association will acquire the building. This would achieve DOF's objective on the structures.

DEP Comments:

The department is only aware of one parcel that would fit the criteria in the bill at the present time and recommends the bill be amended to reflect the following language underlined:

Notwithstanding subparagraph 1., any parcel of surplus lands, less than 3 acres in size, that was acquired by the state prior to 1955 by gift or other conveyance for no consideration from a fair association incorporated under chapter 616 for the purpose of conducting and operating public fairs or expositions, and for which the department has filed by July 1, 2007, a notice of intent to surplus, shall be offered for reconveyance to such fair association at no cost, but for the fair market value of any building or other improvements to the land, unless otherwise provided in a deed restriction of record. This subparagraph expires July 1, 2007.

Due to the specific criteria and limited effective time period, DEP does not feel this bill would have a significant impact to the Board of Trustees of the Internal Improvement Trust Fund, as long as the suggested revisions are made.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

None.

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A bill to be entitled

An act relating to surplus state lands; amending s. 253.034, F.S.; providing for reconveyance of certain state lands to certain fair associations at no cost under certain circumstances; providing for expiration; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (f) of subsection (6) of section 253.034, Florida Statutes, is amended to read:

253.034 State-owned lands; uses.--

(6) The Board of Trustees of the Internal Improvement Trust Fund shall determine which lands, the title to which is vested in the board, may be surplused. For conservation lands, the board shall make a determination that the lands are no longer needed for conservation purposes and may dispose of them by an affirmative vote of at least three members. In the case of a land exchange involving the disposition of conservation lands, the board must determine by an affirmative vote of at least three members that the exchange will result in a net positive conservation benefit. For all other lands, the board shall make a determination that the lands are no longer needed and may dispose of them by an affirmative vote of at least three members.

(f)1. In reviewing lands owned by the board, the council shall consider whether such lands would be more appropriately owned or managed by the county or other unit of local government

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29 in which the land is located. The council shall recommend to the
30 board whether a sale, lease, or other conveyance to a local
31 government would be in the best interests of the state and local
32 government. The provisions of this paragraph in no way limit the
33 provisions of ss. 253.111 and 253.115. Such lands shall be
34 offered to the state, county, or local government for a period
35 of 30 days. Permittable uses for such surplus lands may include
36 public schools; public libraries; fire or law enforcement
37 substations; and governmental, judicial, or recreational
38 centers. County or local government requests for surplus lands
39 shall be expedited throughout the surplusing process. If the
40 county or local government does not elect to purchase such lands
41 in accordance with s. 253.111, then any surplusing determination
42 involving other governmental agencies shall be made upon the
43 board deciding the best public use of the lands. Surplus
44 properties in which governmental agencies have expressed no
45 interest shall then be available for sale on the private market.

46 2. Notwithstanding subparagraph 1., any surplus lands that
47 were acquired by the state prior to 1958 by a gift or other
48 conveyance for no consideration from a municipality, and which
49 the department has filed by July 1, 2006, a notice of its intent
50 to surplus, shall be first offered for reconveyance to such
51 municipality at no cost, but for the fair market value of any
52 building or other improvements to the land, unless otherwise
53 provided in a deed restriction of record. This subparagraph
54 expires July 1, 2006.

55 3. Notwithstanding subparagraph 1., any parcel of surplus
56 lands less than 3 acres in size that was acquired by the state

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57 prior to 1955 by gift or other conveyance for no consideration
58 from a fair association incorporated under chapter 616 for the
59 purpose of conducting and operating public fairs or expositions,
60 and for which the department has filed by July 1, 2007, a notice
61 of intent to surplus, shall be offered for reconveyance to such
62 fair association at no cost. This subparagraph expires July 1,
63 2007.

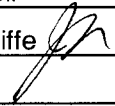

64 Section 2. This act shall take effect July 1, 2006.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 773
SPONSOR(S): Goodlette
TIED BILLS:

Petition Process

IDEN./SIM. BILLS: SB 1244

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Ethics & Elections Committee	5 Y, 4 N	Mitchell	Mitchell
2) Transportation & Economic Development Appropriations Committee		McAuliffe 	Gordon 
3) State Administration Council			
4)			
5)			

SUMMARY ANALYSIS

HB 773 creates the "Petition Fraud and Voter Protection Act" and establishes a number of safeguards for the initiative petition process. The bill attempts to more closely regulate the petition verification process, to require that additional information be provided to a voter who signs an initiative petition, and to regulate circulators, in particular *paid* circulators, by requiring greater disclosure.

The bill also authorizes additional criminal sanctions against people who abuse the petition process, either through fraud or misrepresentation, or through the misuse of signed petitions or voter registrations.

A similar version of this bill passed the House by a vote of 96-22 in 2005 (HB 1471), but died on the Senate calendar on May 6, 2005.

HB 773 contains new grants of rulemaking authority to the Division of Elections (See Section III).

Except as otherwise expressly provided, the bill is effective August 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Personal Responsibility

The bill implicates the principle of promoting personal responsibility in that it requires persons who collect signatures for citizen initiatives to be held more accountable for the accuracy of the signatures and to provide additional information to voters when they sign initiative petitions.

B. EFFECT OF PROPOSED CHANGES:

Current Situation

Art. XI, Fla. Const., governs amendments to the State Constitution. A proposed amendment is presented to the voters pursuant to one of the following methods¹:

- Joint resolution passed by 3/5 vote of each house of the Legislature;
- Initiative petition;
- Proposal by the Constitution Revision Commission;
- Proposal by the Taxation and Budget Reform Commission; or
- Proposal by a constitutional convention.

Prior to the 1968 revision of the State Constitution, amendments could be proposed only by constitutional convention or through resolutions adopted by the Legislature. Florida adopted the citizen initiative process in 1968.² The first initiative appeared on Florida's ballot in 1976 and was adopted by the voters.³ From 1976-2002, there have been 104 proposed constitutional amendments on the ballot, 21 of which were proposed by initiative.⁴ Sixteen of the 21 initiative amendments were approved by Florida's electors.⁵

During the past ten years, there has been a marked increase in the number of citizen initiatives. In 1996, 37 initiatives were circulated, three of which made the ballot; in 1998, 27 initiatives were circulated, none of which made the ballot; in 2000, 16 initiatives were circulated, one of which made the ballot; and in 2002, 23 initiatives were circulated, four of which made the ballot.⁶

The procedure for placing an initiative on the ballot is provided in s. 100.371, F.S. To obtain ballot position:

- the sponsor of an amendment must register as a political committee pursuant to s. 106.03, F.S., and submit the text of the amendment with the form on which the signatures will be obtained; the form must be approved by the Secretary of State before signatures are obtained;

¹ Art. XI, s. 1, Fla. Const. (legislature); Art. XI, s. 2, Fla. Const. (Revision Commission); Art. XI, s. 3, Fla. Const. (citizen initiative); Art. XI, s. 4, Fla. Const. (constitutional convention); Art. XI, s. 6, Fla. Const. (Taxation and Budget Reform Commission).

² Art. XI, s. 3, Fla. Const.

³ Amendment #1; Art. II, s. 8, Fla. Const. (The so-called "Sunshine Amendment." Votes For - 1,765,626; Votes Against - 461,940).

⁴ Statistics provided by the Division of Elections.

⁵ Id.

⁶ Id. While there were no citizen initiatives on the ballot in 1998, there were four amendments proposed by legislative resolution and nine amendments proposed by the Constitutional Revision Convention.

- the Secretary of State must determine the total number of valid signatures and the distribution from congressional districts⁷; signatures are valid for four years from the date when made;
- the certification of ballot position must be completed by February 1 of the year the general election is held⁸; and
- the Supreme Court must approve the validity of the proposal.

In 2004, 488,722 signatures were required for ballot certification; in 2006, 611,009 signatures were required for ballot certification.

As of January 31, 2006, there are 50 active citizen initiatives according to the Division of Elections web site⁹. Pursuant to a constitutional amendment adopted in 2004, initiative petitions must be filed and certified with the custodian of state records (Department of State) by February 1 of the year in which the general election is held.¹⁰ There are two citizen initiatives that made ballot position by the required February 1 deadline for the 2006 general election.

The first proposed amendment requires the legislature to annually use some of the state's tobacco settlement funds for a statewide tobacco education and prevention program targeted at youth.¹¹ The second proposed amendment would create a fifteen member commission to replace the legislature to apportion single-member legislative and congressional districts.¹²

Criminal Penalties

Certain criminal sanctions exist with regard to the voter registration and petition process. Paying a person to register to vote, paying someone to solicit voter registrations based upon the number of registrations obtained, and altering a voter registration application are all third degree felonies.¹³ Signing a petition for a particular issue more than once, or signing another person's name, or a fictitious name, to a petition, is a first degree misdemeanor.¹⁴ Supervisors of elections are currently authorized to investigate fraudulent registrations and illegal voting, and may report their findings to the state attorney or the Florida Elections Commission.¹⁵

During the 2004 election cycle, numerous stories appeared in newspapers throughout the state of Florida concerning alleged petition fraud. Two petition gatherers were arrested in Santa Rosa County for over 40 counts each of uttering a forged document.¹⁶ Several other supervisors of elections found petitions signed with the names of dead voters.¹⁷

The Florida Department of Law Enforcement issued a press release in October of 2004 indicating that it had received numerous complaints relating to voting irregularities regarding voter fraud, and had initiated several investigations. While the FDLE did not reveal details of the investigations, it did say the investigations focused on the following conduct:

⁷ Art. XI, s. 3, Fla. Const., requires that signatures be obtained in at least ½ of the state's congressional districts, and of the state as a whole, equal to eight percent of the voters casting ballots in the last Presidential election.

⁸ The new February 1 deadline was approved in the 2004 general election and is contained in s. 5(b), Art. XI, Fla. Const. Section 100.371, F.S., which implements this constitutional provision was amended in 2005 to include the February 1 deadline (s. 28, ch. 2005-278, Laws of Fla.), but the change is not effective until January 1, 2007.

⁹ <http://election.dos.state.fl.us/initiatives/initiativelist.asp>

¹⁰ S.J.R. 2394 amended s. 5, Art. XI, Fla. Const., and was approved by the voters on November 2, 2004.

¹¹ Floridians for Youth Tobacco Education, Inc. The smoking education initiative began July 20, 2005, and collected 650,403 certified petition signatures. Information taken from the Division of Elections web site.

¹² Committee for Fair Elections. The apportionment commission initiative began March 23, 2005, and collected 689,325 certified petition signatures. Information taken from the Division of Elections web site.

¹³ s. 104.012, F.S.

¹⁴ s. 104.185, F.S.

¹⁵ s. 104.42, F.S.

¹⁶ See, "Two Pace residents accused in voter scam," Derek Pivnick, *Pensacola News Journal*, page 1A, July 2, 2004.

¹⁷ See, "Names of dead persons found on petitions," Joni James and Lucy Morgan, *St. Petersburg Times*, September 28, 2004.

In some cases, persons who believed they were signing petitions later found out that their signatures or possible forged signatures were used to complete a fraudulent voter registration. In other instances, it appears that workers hired to obtain legitimate voter registrations filled in the information on the registration forms that should have been completed by the registrants. On several occasions, workers appear to have signed multiple voter registrations themselves using information obtained during the registration drive. In many of the situations complained about, the workers were being paid on the basis of each registration form submitted.¹⁸

Effect of Proposed Changes

See **Section Directory** below.

C. SECTION DIRECTORY:

Section 1. Provides a title, “Petition Fraud and Voter Protection Act.”

Section 2. Amends s. 99.097, F.S., regarding the verification of signatures on petitions.

- Clarifies that the supervisors of elections are verifying signatures and not checking names.
- Requires that petitions be verified one at a time and not by random sample. (This codifies current practice and only applies to initiative petitions and not candidate qualifying petitions.)
- Prohibits counting petitions toward ballot placement unless all provisions are met.
- Prohibits a petition sponsor from providing compensation to any paid petition circulator if the sponsor has filed an oath of undue burden, unless the sponsor first pays all supervisors for each signature checked, or reimburses the General Revenue fund for such costs. If a sponsor that has filed for undue burden pays circulators before paying for verification, all signatures collected prior to that date are invalid.
- Creates the ability to file a court challenge by a political committee or elector, alleging improper verification, and requires proof by a preponderance of the evidence. Improperly verified signatures will not be counted. Such a challenge must be filed no later than 90 days after an issue obtains ballot position.
- Removes from the ballot or invalidates vote if sponsor uses petition fraud to get on the ballot.

Section 3. Amends s. 100.371, F.S., regarding initiatives and procedures for placement on the ballot.

- Implements the new February 1 deadline for filing initiative petitions with the Secretary of State that is contained in Art. XI, sec 5., Fla. Const.
- Clarifies that it must be the voter, not the amendment sponsor, who inserts a date on an initiative petition.

¹⁸ “FDLE Investigates Statewide Voter Fraud,” press release, Florida Department of Law Enforcement, October 21, 2004.

- Provides that a petition form contain only the information required by statute or Division of Elections rules.
- Clarifies that a petition is a political advertisement and must comply with all requirements of ch. 106, F.S. (including requirements for political disclaimers).
- The requirements for a valid petition include:
 - An original signature, date, name, address, and voter registration number or date of birth;
 - the petition signer must be a registered voter;
 - the petition must be received by the appropriate supervisor within 30 days of signature;
 - the petition signer must note if she was presented the petition by a petition circulator; and
 - compliance by all petition circulators with the regulations in s. 100.372.
- Allows a voter to submit a signed petition form to the petition sponsor by mail or otherwise to an address listed on the form.
- Requires the inclusion on the form in 16 point font or larger, notices regarding a voter's ability to take a petition form with them and return it to the following address and the fact that the proposed amendment has not been officially reviewed by any court or state agency.
- Creates a process for revocation of one's signature on an initiative petition. A petition revocation form must be adopted by rule by the Division of Elections. A revocation form must be filed by an elector no later than February 1 immediately preceding the general election (or by Feb. 1 of the next successive general election, if the initiative has not received ballot position).
- Requires the supervisors of elections to retain all petition and revocation forms for one year after the election in which the issue appeared on the ballot.
- Requires that the ballot contain a statement (prescribed by rule of the Department of State) that a financial impact statement is constitutionally required and is not an endorsement by the state.
- Changes a deadline to April 1 of the year in which a general election is held for the Florida Supreme Court to complete its review of financial impact statements submitted by the Financial Impact Estimating Conference.

Section 4. Repeals section 28 of ch. 2005-278, Laws of Fla. which was scheduled to take effect January 1, 2007. Section 28 contemplated use of the statewide voter registration system for signature verification, but the system was not scheduled to become operational until January 2006, just prior to the February 1 petition verification deadline. Thus, the section was given a later effective date of January 1, 2007. In Section 5 below, the bill reenacts many of the changes proposed in section 28 of ch. 2005-278, with additional changes outlined below.

Section 5. Further amends s. 100.371, F.S., as amended in section 3 of the bill, effective January 1, 2007. This section incorporates the changes made in section 3 of the bill and adds the following:

- Petitions are deemed to be filed with the Secretary of State when the secretary determines that a sufficient number of valid and verified petitions have been signed by the number of electors required by the constitution, subject to one's right to revoke a petition signature.
- Moves the requirements for petition signatures from s. 100.371(2) to s. 100.371(7). Subsection 100.371(2) is deleted.
- Requires supervisors of elections to record the date a petition is received and the date the signature is verified in the statewide voter registration system.
- Re-enacts the provision that petition signatures are valid for 4 years from the date made.
- Provides that the Secretary of State shall determine the total number of verified signatures using the number recorded in the statewide voter registration system. This system became operational in January 2006 and is not being used for the current election cycle to verify petition signatures.

Section 6. Creates s. 100.372, F.S., regarding regulation of initiative petition circulators.

- Regulates petition circulators by defining "petition circulator", and "paid petition circulator"; requires petition circulators to be at least 18 years old and eligible to register to vote in this or any other state in the U.S.; and provides that circulators cannot be convicted felons who are ineligible to vote.
- Requires paid circulators to wear a badge identifying themselves as paid circulators.
- Provides protections for property owners, who may:
 - Prohibit activity which supports or opposes initiatives;
 - permit or prohibit activity which supports or opposes initiatives; or
 - permit activity which supports or opposes initiatives, subject to uniform time, place, or manner restrictions.
- Requires a valid petition form to include:
 - The name of the organization;
 - the website of the organization;
 - an indication of whether the circulator is paid or unpaid; and
 - the amount of compensation, if the circulator is a paid employee.
- Paid circulators must attach to their petitions a signed and dated declaration under penalty of perjury. Such declaration must include: 1) the circulator's name, address, date of birth, voter registration number or similar government-issued identification number, and 2) be signed and dated by circulator.
- The declaration must state that the paid circulator:
 - has read and understands the law;
 - is at least 18 years old;
 - is eligible to register to vote;
 - collected the enclosed forms;
 - believes the signature is the actual voter's signature;
 - believes that a signer was a registered voter; and
 - has not been paid by the signature.

- Petitions without a declaration are invalid.
- Paid petition circulators must provide the initiative sponsor a copy of a government-issued photo ID that reflects the circulator's proper residence. The sponsor must maintain these cards for inspection, and if not on file with the sponsor, petitions are invalid.

Section 7. Amends s. 101.161, F.S., regarding referenda and ballots.

- Technical change to correct a reference to s. 100.371(10), F.S.

Section 8. Technical, conforming change.

- This section repeals section 33 of chapter 2005-278, Laws of Fla. The bill sponsor intends to amend this statutory section affected by this repeal and make it effective January 1, 2007, as the chapter law did. The change is necessary to accommodate the new statewide voter registration system which went on-line January 1, 2006.

Section 9. Technical, conforming change.

- The changes which must be effective January 1, 2007, to accommodate the new statewide voter registration system, as described above are contained in this section, effective January 1, 2007.

Section 10. Amends s. 104.012, F.S., regarding consideration for registration and interference with registration.

- Makes the failure to submit a voter registration to the appropriate supervisor of elections within 10 days a third degree felony. (This tracks existing criminal sanctions in the election code).

Section 11. Amends s. 104.185, F.S., regarding violations involving petitions.

- For all of the following infractions, a first offense is a first-degree misdemeanor, and subsequent offenses are third-degree felonies:
 - Signing someone else's name to a petition.
 - Swearing a false oath or affirmation in connection with a petition.
 - Submitting false information on a petition or petition revocation form.
 - Providing something of value for signing a petition.
 - Bribing or threatening a person in order to obtain a signature.
 - Paying for signatures by the number of signatures.
 - Altering a signed petition without the signor's knowledge or consent.
 - Fraud or attempting to defraud while gathering signatures.
- Creates a civil penalty not to exceed \$1,000-per-violation for any paid petition circulator who violates any of the above provisions.

Section 12. Amends s. 104.42, F.S., regarding unlawful registrations, petitions and voting.

- Authorizes supervisors of elections to investigate alleged petition fraud.
- Requires supervisors of elections to document and report fraud to the Florida Elections Commission within 10 days.

Section 13. Applies changes in the bill only to petitions collected and submitted for verification after the effective date of the act (August 1, 2006).

Section 14. Provides a severability clause.

Section 15. Provides an effective date of August 1, 2006, unless otherwise expressly provided.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

HB 773 contains four new grants of rulemaking authority to the Division of Elections that govern the petition gathering process: The Division is required to adopt a rule:

- Providing for a form for revoking one's signature on a petition (petition-revocation form)(s. 100.371(7), F.S.; p. 8.);

- governing the financial impact statement that appears on the ballot and that inclusion of such statement on the ballot is not an endorsement by the state of the proposed amendment or revision. (s. 100.371(10), F.S.; p. 10);
- prescribing certain information for inclusion on petition and petition-revocation forms (new s. 100.372(5), F.S.; p. 24); and
- prescribing certain information for inclusion on the signed and dated declaration submitted by a paid petition circulator (new s. 100.371(6)(a), F.S.; p. 25).

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

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1 A bill to be entitled
2 An act relating to the petition process; providing a short
3 title; amending s. 99.097, F.S.; revising requirements for
4 verification of signatures on petitions; prescribing
5 limits on use of paid petition circulators; providing
6 procedures to contest alleged improper signature
7 verification; repealing s. 28, ch. 2005-278, Laws of
8 Florida, relating to procedures for placement of
9 initiatives on the ballot; amending s. 100.371, F.S.;
10 revising procedures for placing an initiative on the
11 ballot; providing requirements for information to be
12 contained on petitions; providing procedure for revocation
13 of a petition signature; requiring a statement on the
14 ballot regarding the financial impact statement; creating
15 s. 100.372, F.S.; providing regulation for initiative
16 petition circulators and their activities; repealing s.
17 33, ch. 2005-278, Laws of Florida, relating to referenda
18 and ballots; amending s. 101.161, F.S.; conforming a
19 cross-reference; amending s. 104.012, F.S.; providing
20 criminal penalties for specified offenses involving voter
21 registration applications; amending s. 104.185, F.S.;
22 proscribing specified actions involving petitions and
23 providing or increasing criminal penalties therefor;
24 amending s. 104.42, F.S.; prescribing duties of
25 supervisors of elections with respect to unlawful
26 registrations, petitions, petition revocations, and
27 voting; providing for verifying and counting signatures
28 submitted for verification before the effective date of

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the act; requiring resubmission and reapproval of petition forms; providing severability; providing effective dates.

Be It Enacted by the Legislature of the State of Florida:

Section 1. This act may be cited as the "Petition Fraud and Voter Protection Act."

Section 2. Subsections (1), (3), and (4) of section 99.097, Florida Statutes, are amended, and subsection (6) is added to that section, to read:

99.097 Verification of signatures on petitions.--

(1) As determined by each supervisor, based upon local conditions, the verification of signatures ~~checking of names~~ on petitions may be based on the most inexpensive and administratively feasible of either of the following methods of verification:

(a) A name-by-name, signature-by-signature check of the number of valid ~~authorized~~ signatures on the petitions; or

(b) A check of a random sample, as provided by the Department of State, of names and signatures on the petitions. The sample must be such that a determination can be made as to whether or not the required number of valid signatures has ~~have~~ been obtained with a reliability of at least 99.5 percent. Rules and guidelines for this method of petition verification shall be promulgated by the Department of State, which may include a requirement that petitions bear an additional number of names and signatures, not to exceed 15 percent of the names and signatures otherwise required. If the petitions do not meet such

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57 criteria, then the use of the verification method described in
58 this paragraph shall not be available to supervisors.

59
60 Notwithstanding any other provision of law, petitions to secure
61 ballot placement for an issue, and petition revocations directed
62 thereto pursuant to s. 100.371, must be verified by the method
63 provided in paragraph (a).

64 (3)(a) A signature ~~name~~ on a petition, in a name that
65 ~~which name~~ is not in substantially the same form as a name on
66 the voter registration books, shall be counted as a valid
67 signature if, after comparing the signature on the petition with
68 the signature of the alleged signer as shown on the registration
69 books, the supervisor determines that the person signing the
70 petition and the person who registered to vote are one and the
71 same. In any situation in which this code requires the form of
72 the petition to be prescribed by the division, no signature
73 shall be counted toward the number of signatures required unless
74 it is on a petition form prescribed by the division. A signature
75 on a petition may not be counted toward the number of valid
76 signatures required for ballot placement unless all relevant
77 provisions of this code have been satisfied.

78 (b) If a voter signs a petition and lists an address other
79 than the legal residence where the voter is registered, the
80 supervisor shall treat the signature as if the voter had listed
81 the address where the voter is registered.

82 (4)(a) The supervisor shall be paid in advance the sum of
83 10 cents for each signature checked or the actual cost of
84 checking such signature, whichever is less, by the candidate or,

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in the case of a petition to have an issue placed on the ballot, by the person or organization submitting the petition. However, if a candidate, person, or organization seeking to have an issue placed upon the ballot cannot pay such charges without imposing an undue burden on personal resources or upon the resources otherwise available to such candidate, person, or organization, such candidate, person, or organization shall, upon written certification of such inability given under oath to the supervisor, be entitled to have the signatures verified at no charge. In the event a candidate, person, or organization submitting a petition to have an issue placed upon the ballot is entitled to have the signatures verified at no charge, the supervisor of elections of each county in which the signatures are verified at no charge shall submit the total number of such signatures checked in the county to the Chief Financial Officer no later than December 1 of the general election year, and the Chief Financial Officer shall cause such supervisor of elections to be reimbursed from the General Revenue Fund in an amount equal to 10 cents for each signature ~~name~~ checked or the actual cost of checking such signatures, whichever is less. In no event shall such reimbursement of costs be deemed or applied as extra compensation for the supervisor. Petitions shall be retained by the supervisors for a period of 1 year following the election for which the petitions were circulated.

(b) A person or organization submitting a petition to secure ballot placement for an issue which has filed a certification of undue burden may not provide compensation to any paid petition circulator, as defined in s. 100.372, unless

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the person or organization first pays all supervisors for each signature checked or reimburses the General Revenue Fund for such costs. If a person or organization subject to this paragraph provides compensation to a paid petition circulator before the date the person or organization pays all supervisors for each signature checked or reimburses the General Revenue Fund for such costs, a signature on a petition circulated by the petition circulator before that date may not be counted toward the number of valid signatures required for ballot placement.

(6)(a) The alleged improper verification of a signature on a petition to secure ballot placement for an issue pursuant to this code may be contested in the circuit court by a political committee or by an elector. The contestant shall file a complaint setting forth the basis of the contest, together with the fees prescribed in chapter 28, with the clerk of the circuit court in the county in which the petition is certified or in Leon County if the complaint is directed to petitions certified in more than one county.

(b) If the contestant demonstrates by a preponderance of the evidence that one or more petitions were improperly verified, the signatures appearing on such petitions may not be counted toward the number of valid signatures required for ballot placement. If an action brought under this subsection is resolved after the Secretary of State has issued a certificate of ballot position for the issue, but the contestant demonstrates that the person or organization submitting the petition had obtained verification of an insufficient number of valid and verified signatures to qualify for ballot placement,

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the issue shall be removed from the ballot or, if such action is impractical, any votes cast for or against the issue may not be counted and shall be invalidated.

(c) An action under this subsection must be commenced no later than 90 days after the Secretary of State issues a certificate of ballot position for the issue.

Section 3. Section 100.371, Florida Statutes, is amended to read:

100.371 Initiatives; procedure for placement on ballot.--

(1) Constitutional amendments proposed by initiative shall be placed on the ballot for the general election if an initiative petition is filed with the Secretary of State by February 1 of the year in which the general election is to be held ~~occurring in excess of 90 days from the certification of ballot position by the Secretary of State.~~

(2) Certification of ballot position ~~Such certification~~ shall be issued when the Secretary of State has received verification certificates from the supervisors of elections indicating that the requisite number and distribution of valid petitions bearing the signatures of electors have been submitted to and verified by the supervisors. Every signature shall be dated by the elector when made. Signatures are ~~and shall be~~ valid for a period of 4 years following such date, provided all other requirements of law are satisfied ~~complied with~~.

(3) The sponsor of an initiative amendment shall, prior to obtaining any signatures, register as a political committee pursuant to s. 106.03 and submit the text of the proposed amendment to the Secretary of State, with the form on which the

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signatures will be affixed, and shall obtain the approval of the Secretary of State of such form. The division ~~Secretary of State~~ shall adopt rules pursuant to s. 120.54 prescribing the style and requirements of such form. Upon filing with the Secretary of State, the text of the proposed amendment and all forms filed in connection with this section must, upon request, be made available in alternative formats. The contents of a petition form are limited to those items required by statute or rule. A petition form is a political advertisement as defined in s. 106.011 and, as such, must comply with all relevant requirements of chapter 106.

(4) The supervisor of elections shall record the date each petition form is received by the supervisor and the date the signature on the form is verified as valid. The supervisor shall verify that the signature on a petition form is valid only if the form complies with all of the following:

(a) The form must contain the original signature of the purported elector;

(b) The purported elector must accurately record on the form the date on which he or she signed the form;

(c) The form must accurately set forth the purported elector's name, street address, county, and voter registration number or date of birth;

(d) The purported elector must be, at the time he or she signs the form, a duly qualified and registered elector authorized to vote in the county in which his or her signature is submitted;

(e) The date the elector signed the form, as recorded by

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the elector, must be no more than 30 days before the date the form is received by the supervisor of elections;

(f) The elector must accurately record on the form whether the elector was presented with the form by a petition circulator as defined in s. 100.372;

(g) The elector must accurately record on the form whether the elector signed the form and returned it to a petition circulator as defined in s. 100.372; and

(h) The form must comply with the relevant requirements of s. 100.372.

(5) An elector may submit his or her signed form to the sponsor of the initiative amendment, by mail or otherwise, at an address listed on the form for this purpose.

(6) Each form must contain the following notices at the top of the form in bold type and in a 16-point or larger font, immediately following the title "Constitutional Amendment Petition Form":

RIGHT TO MAIL IN.--You have the right to take this petition home and study the issue before signing. If you choose to sign the petition, you may return it to the sponsors of the amendment at the following address:

NATURE OF AMENDMENT.--The merits of the proposed change to the Florida Constitution appearing below have not been officially reviewed by any court or agency of state government.

(7) An elector's signature on a petition form may be revoked by submitting to the appropriate supervisor of elections a signed petition-revocation form adopted by rule for this purpose by the division. The petition-revocation form is subject

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225 to the same relevant requirements as the corresponding petition
226 form under this code and must be approved by the Secretary of
227 State before any signature is obtained. The petition-revocation
228 form shall be filed with the supervisor of elections no later
229 than the February 1 preceding the next general election or, if
230 the initiative amendment is not certified for ballot position in
231 that election, no later than the February 1 preceding the next
232 successive general election. The supervisor of elections shall
233 promptly verify the signature on the petition-revocation form
234 and process such revocation upon payment, in advance, of a fee
235 of 10 cents or the actual cost of checking such signature,
236 whichever is less.

237 (8)-(4) The sponsor shall submit signed and dated forms to
238 the appropriate supervisor of elections for verification as to
239 the number of registered electors whose valid signatures appear
240 thereon. The supervisor shall promptly verify the signatures
241 upon payment of the fee required by s. 99.097. Upon completion
242 of verification, the supervisor shall execute a certificate
243 indicating the total number of signatures checked, the number of
244 signatures verified as valid and as being of registered
245 electors, the number of signatures validly revoked pursuant to
246 subsection (7), and the distribution of such signatures by
247 congressional district. This certificate shall be immediately
248 transmitted to the Secretary of State. The supervisor shall
249 retain the signed petition ~~signature forms~~ and petition-
250 revocation forms for at least 1 year following the election in
251 which the issue appeared on the ballot or until the Division of
252 Elections notifies the supervisors of elections that the

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253 committee which circulated the petition is no longer seeking to
254 obtain ballot position.

255 (9)-(5) The Secretary of State shall determine from the
256 verification certificates received from supervisors of elections
257 the total number of verified valid signatures and the
258 distribution of such signatures by congressional districts. Upon
259 a determination that the requisite number and distribution of
260 valid signatures have been obtained, the secretary shall issue a
261 certificate of ballot position for that proposed amendment and
262 shall assign a designating number pursuant to s. 101.161. A
263 petition shall be deemed to be filed with the Secretary of State
264 upon the date of the receipt by the secretary of a certificate
265 or certificates from supervisors of elections indicating that
266 valid and verified the petition forms have ~~has~~ been signed by
267 the constitutionally required number and distribution of
268 electors pursuant to this code, subject to the right of
269 revocation established in this section.

270 (10)-(6)(a) Within 45 days after receipt of a proposed
271 revision or amendment to the State Constitution by initiative
272 petition from the Secretary of State ~~or, within 30 days after~~
273 ~~such receipt if receipt occurs 120 days or less before the~~
274 ~~election at which the question of ratifying the amendment will~~
275 ~~be presented~~, the Financial Impact Estimating Conference shall
276 complete an analysis and financial impact statement to be placed
277 on the ballot of the estimated increase or decrease in any
278 revenues or costs to state or local governments resulting from
279 the proposed initiative. The ballot must include a statement, as
280 prescribed by rule of the Department of State, to the effect

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281 that the financial impact statement is required under the State
282 Constitution and the Florida Statutes and should not be
283 construed as an endorsement by the state of the proposed
284 revision or amendment to the State Constitution. The Financial
285 Impact Estimating Conference shall submit the financial impact
286 statement to the Attorney General and Secretary of State.

287 (b)1. The Financial Impact Estimating Conference shall
288 provide an opportunity for any proponents or opponents of the
289 initiative to submit information and may solicit information or
290 analysis from any other entities or agencies, including the
291 Office of Economic and Demographic Research. All meetings of the
292 Financial Impact Estimating Conference shall be open to the
293 public as provided in chapter 286.

294 2. The Financial Impact Estimating Conference is
295 established to review, analyze, and estimate the financial
296 impact of amendments to or revisions of the State Constitution
297 proposed by initiative. The Financial Impact Estimating
298 Conference shall consist of four principals: one person from the
299 Executive Office of the Governor; the coordinator of the Office
300 of Economic and Demographic Research, or his or her designee;
301 one person from the professional staff of the Senate; and one
302 person from the professional staff of the House of
303 Representatives. Each principal shall have appropriate fiscal
304 expertise in the subject matter of the initiative. A Financial
305 Impact Estimating Conference may be appointed for each
306 initiative.

307 3. Principals of the Financial Impact Estimating
308 Conference shall reach a consensus or majority concurrence on a

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clear and unambiguous financial impact statement, no more than 75 words in length, and immediately submit the statement to the Attorney General. Nothing in this subsection prohibits the Financial Impact Estimating Conference from setting forth a range of potential impacts in the financial impact statement. Any financial impact statement that a court finds not to be in accordance with this section shall be remanded solely to the Financial Impact Estimating Conference for redrafting. The Financial Impact Estimating Conference shall redraft the financial impact statement within 15 days.

4. If the members of the Financial Impact Estimating Conference are unable to agree on the statement required by this subsection, or if the Supreme Court has rejected the initial submission by the Financial Impact Estimating Conference and no redraft has been approved by the Supreme Court by April 1 of the year in which the general election is to be held ~~5 p.m. on the 75th day before the election~~, the following statement shall appear on the ballot pursuant to s. 101.161(1): "The financial impact of this measure, if any, cannot be reasonably determined at this time."

(c) The financial impact statement must be separately contained and be set forth after the ballot summary as required in s. 101.161(1).

(d)1. Any financial impact statement that the Supreme Court finds not to be in accordance with this subsection shall be remanded solely to the Financial Impact Estimating Conference for redrafting, provided the court's advisory opinion is rendered by April 1 of the year in which the general election is

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337 ~~to be held at least 75 days before the election at which the~~
338 ~~question of ratifying the amendment will be presented.~~ The
339 Financial Impact Estimating Conference shall prepare and adopt a
340 revised financial impact statement no later than 5 p.m. on the
341 15th day after the date of the court's opinion.

342 2. If, by 5 p.m. on April 1 of the year in which the
343 general election is to be held ~~the 75th day before the election,~~
344 the Supreme Court has not issued an advisory opinion on the
345 initial financial impact statement prepared by the Financial
346 Impact Estimating Conference for an initiative amendment that
347 otherwise meets the legal requirements for ballot placement, the
348 financial impact statement shall be deemed approved for
349 placement on the ballot.

350 3. In addition to the financial impact statement required
351 by this subsection, the Financial Impact Estimating Conference
352 shall draft an initiative financial information statement. The
353 initiative financial information statement should describe in
354 greater detail than the financial impact statement any projected
355 increase or decrease in revenues or costs that the state or
356 local governments would likely experience if the ballot measure
357 were approved. If appropriate, the initiative financial
358 information statement may include both estimated dollar amounts
359 and a description placing the estimated dollar amounts into
360 context. The initiative financial information statement must
361 include both a summary of not more than 500 words and additional
362 detailed information that includes the assumptions that were
363 made to develop the financial impacts, workpapers, and any other
364 information deemed relevant by the Financial Impact Estimating

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Conference.

4. The Department of State shall have printed, and shall furnish to each supervisor of elections, a copy of the summary from the initiative financial information statements. The supervisors shall have the summary from the initiative financial information statements available at each polling place and at the main office of the supervisor of elections upon request.

5. The Secretary of State and the Office of Economic and Demographic Research shall make available on the Internet each initiative financial information statement in its entirety. In addition, each supervisor of elections whose office has a website shall post the summary from each initiative financial information statement on the website. Each supervisor shall include the Internet addresses for the information statements on the Secretary of State's and the Office of Economic and Demographic Research's websites in the publication or mailing required by s. 101.20.

~~(11)(7)~~ The Department of State may adopt rules in accordance with s. 120.54 to carry out this section ~~the provisions of subsections (1) (6)~~.

Section 4. Section 28 of chapter 2005-278, Laws of Florida, is repealed.

Section 5. Effective January 1, 2007, section 100.371, Florida Statutes, as amended by this act, is amended to read:

100.371 Initiatives; procedure for placement on ballot.--

(1) Constitutional amendments proposed by initiative shall be placed on the ballot for the general election if an initiative petition is filed with the Secretary of State by

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393 February 1 of the year in which the general election is to be
394 held. A petition shall be deemed to be filed with the Secretary
395 of State upon the date that the secretary determines that valid
396 and verified petitions have been signed by the constitutionally
397 required number and distribution of electors pursuant to this
398 code, subject to the right of revocation established in this
399 section.

400 ~~(2) Certification of ballot position shall be issued when~~
401 ~~the Secretary of State has received verification certificates~~
402 ~~from the supervisors of elections indicating that the requisite~~
403 ~~number and distribution of valid petitions bearing the~~
404 ~~signatures of electors have been submitted to and verified by~~
405 ~~the supervisors. Every signature shall be dated by the elector~~
406 ~~when made. Signatures are valid for a period of 4 years~~
407 ~~following such date, provided all other requirements of law are~~
408 ~~satisfied.~~

409 (2)(3) The sponsor of an initiative amendment shall, prior
410 to obtaining any signatures, register as a political committee
411 pursuant to s. 106.03 and submit the text of the proposed
412 amendment to the Secretary of State, with the form on which the
413 signatures will be affixed, and shall obtain the approval of the
414 Secretary of State of such form. The division shall adopt rules
415 pursuant to s. 120.54 prescribing the style and requirements of
416 such form. Upon filing with the Secretary of State, the text of
417 the proposed amendment and all forms filed in connection with
418 this section must, upon request, be made available in
419 alternative formats. The contents of a petition form are limited
420 to those items required by statute or rule. A petition form is a

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political advertisement as defined in s. 106.011 and, as such, must comply with all relevant requirements of chapter 106.

~~(3)-(4)~~ The supervisor of elections shall record the date each petition form is received by the supervisor and the date the signature on the form is verified as valid. The supervisor shall also promptly record these dates in the statewide voter registration system in the manner prescribed by the Secretary of State. The supervisor shall verify that the signature on a petition form is valid only if the form complies with all of the following:

(a) The form must contain the original signature of the purported elector;

(b) The purported elector must accurately record on the form the date on which he or she signed the form;

(c) The form must accurately set forth the purported elector's name, street address, county, and voter registration number or date of birth;

(d) The purported elector must be, at the time he or she signs the form, a duly qualified and registered elector authorized to vote in the county in which his or her signature is submitted;

(e) The date the elector signed the form, as recorded by the elector, must be no more than 30 days before the date the form is received by the supervisor of elections;

(f) The elector must accurately record on the form whether the elector was presented with the form by a petition circulator as defined in s. 100.372;

(g) The elector must accurately record on the form whether

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449 the elector signed the form and returned it to a petition
450 circulator as defined in s. 100.372; and

451 (h) The form must comply with the relevant requirements of
452 s. 100.372.

453 (4)~~(5)~~ An elector may submit his or her signed form to the
454 sponsor of the initiative amendment, by mail or otherwise, at an
455 address listed on the form for this purpose.

456 (5)~~(6)~~ Each form must contain the following notices at the
457 top of the form in bold type and in a 16-point or larger font,
458 immediately following the title "Constitutional Amendment
459 Petition Form":

460 RIGHT TO MAIL IN.--You have the right to take this petition home
461 and study the issue before signing. If you choose to sign the
462 petition, you may return it to the sponsors of the amendment at
463 the following address:_____.

464 NATURE OF AMENDMENT.--The merits of the proposed change to the
465 Florida Constitution appearing below have not been officially
466 reviewed by any court or agency of state government.

467 (6)~~(7)~~ An elector's signature on a petition form may be
468 revoked by submitting to the appropriate supervisor of elections
469 a signed petition-revocation form adopted by rule for this
470 purpose by the division. The petition-revocation form is subject
471 to the same relevant requirements as the corresponding petition
472 form under this code and must be approved by the Secretary of
473 State before any signature is obtained. The petition-revocation
474 form shall be filed with the supervisor of elections no later
475 than the February 1 preceding the next general election or, if
476 the initiative amendment is not certified for ballot position in

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477 that election, no later than the February 1 preceding the next
478 successive general election. The supervisor of elections shall
479 promptly verify the signature on the petition-revocation form
480 and process such revocation upon payment, in advance, of a fee
481 of 10 cents or the actual cost of checking such signature,
482 whichever is less.

483 (7)(8) Each signature shall be dated by the elector when
484 made and shall be valid for a period of 4 years following such
485 date, if all other requirements of law are met. The sponsor
486 shall submit signed and dated forms to the appropriate
487 supervisor of elections for verification as to the number of
488 registered electors whose valid signatures appear thereon. The
489 supervisor shall promptly verify the signatures upon payment of
490 the fee required by s. 99.097. The supervisor shall promptly
491 record each petition verified as valid in the statewide voter
492 registration system in the manner prescribed by the Secretary of
493 State. Upon completion of verification, the supervisor shall
494 execute a certificate indicating the total number of signatures
495 checked, the number of signatures verified as valid and as being
496 of registered electors, the number of signatures validly revoked
497 pursuant to subsection (7), and the distribution of such
498 signatures by congressional district. This certificate shall be
499 immediately transmitted to the Secretary of State. The
500 supervisor shall retain the signed petition forms and petition-
501 revocation forms for at least 1 year following the election in
502 which the issue appeared on the ballot or until the Division of
503 Elections notifies the supervisors of elections that the
504 committee which circulated the petition is no longer seeking to

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obtain ballot position.

~~(8)(9)~~ The Secretary of State shall determine from the signatures verified by the ~~verification certificates received~~ ~~from~~ supervisors of elections and recorded in the statewide voter registration system the total number of verified valid signatures and the distribution of such signatures by congressional districts. Upon a determination that the requisite number and distribution of valid signatures have been obtained, the secretary shall issue a certificate of ballot position for that proposed amendment and shall assign a designating number pursuant to s. 101.161. ~~A petition shall be deemed to be filed with the Secretary of State upon the date of the receipt by the secretary of a certificate or certificates from supervisors of elections indicating that valid and verified petition forms have been signed by the constitutionally required number and distribution of electors pursuant to this code, subject to the right of revocation established in this section.~~

~~(9)(10)~~(a) Within 45 days after receipt of a proposed revision or amendment to the State Constitution by initiative petition from the Secretary of State, the Financial Impact Estimating Conference shall complete an analysis and financial impact statement to be placed on the ballot of the estimated increase or decrease in any revenues or costs to state or local governments resulting from the proposed initiative. The ballot must include a statement, as prescribed by rule of the Department of State, to the effect that the financial impact statement is required under the State Constitution and the Florida Statutes and should not be construed as an endorsement

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by the state of the proposed revision or amendment to the State Constitution. The Financial Impact Estimating Conference shall submit the financial impact statement to the Attorney General and Secretary of State.

(b)1. The Financial Impact Estimating Conference shall provide an opportunity for any proponents or opponents of the initiative to submit information and may solicit information or analysis from any other entities or agencies, including the Office of Economic and Demographic Research. All meetings of the Financial Impact Estimating Conference shall be open to the public as provided in chapter 286.

2. The Financial Impact Estimating Conference is established to review, analyze, and estimate the financial impact of amendments to or revisions of the State Constitution proposed by initiative. The Financial Impact Estimating Conference shall consist of four principals: one person from the Executive Office of the Governor; the coordinator of the Office of Economic and Demographic Research, or his or her designee; one person from the professional staff of the Senate; and one person from the professional staff of the House of Representatives. Each principal shall have appropriate fiscal expertise in the subject matter of the initiative. A Financial Impact Estimating Conference may be appointed for each initiative.

3. Principals of the Financial Impact Estimating Conference shall reach a consensus or majority concurrence on a clear and unambiguous financial impact statement, no more than 75 words in length, and immediately submit the statement to the

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561 Attorney General. Nothing in this subsection prohibits the
562 Financial Impact Estimating Conference from setting forth a
563 range of potential impacts in the financial impact statement.
564 Any financial impact statement that a court finds not to be in
565 accordance with this section shall be remanded solely to the
566 Financial Impact Estimating Conference for redrafting. The
567 Financial Impact Estimating Conference shall redraft the
568 financial impact statement within 15 days.

569 4. If the members of the Financial Impact Estimating
570 Conference are unable to agree on the statement required by this
571 subsection, or if the Supreme Court has rejected the initial
572 submission by the Financial Impact Estimating Conference and no
573 redraft has been approved by the Supreme Court by April 1 of the
574 year in which the general election is to be held, the following
575 statement shall appear on the ballot pursuant to s. 101.161(1):
576 "The financial impact of this measure, if any, cannot be
577 reasonably determined at this time."

578 (c) The financial impact statement must be separately
579 contained and be set forth after the ballot summary as required
580 in s. 101.161(1).

581 (d)1. Any financial impact statement that the Supreme
582 Court finds not to be in accordance with this subsection shall
583 be remanded solely to the Financial Impact Estimating Conference
584 for redrafting, provided the court's advisory opinion is
585 rendered by April 1 of the year in which the general election is
586 to be held. The Financial Impact Estimating Conference shall
587 prepare and adopt a revised financial impact statement no later
588 than 5 p.m. on the 15th day after the date of the court's

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opinion.

2. If, by 5 p.m. on April 1 of the year in which the general election is to be held, the Supreme Court has not issued an advisory opinion on the initial financial impact statement prepared by the Financial Impact Estimating Conference for an initiative amendment that otherwise meets the legal requirements for ballot placement, the financial impact statement shall be deemed approved for placement on the ballot.

3. In addition to the financial impact statement required by this subsection, the Financial Impact Estimating Conference shall draft an initiative financial information statement. The initiative financial information statement should describe in greater detail than the financial impact statement any projected increase or decrease in revenues or costs that the state or local governments would likely experience if the ballot measure were approved. If appropriate, the initiative financial information statement may include both estimated dollar amounts and a description placing the estimated dollar amounts into context. The initiative financial information statement must include both a summary of not more than 500 words and additional detailed information that includes the assumptions that were made to develop the financial impacts, workpapers, and any other information deemed relevant by the Financial Impact Estimating Conference.

4. The Department of State shall have printed, and shall furnish to each supervisor of elections, a copy of the summary from the initiative financial information statements. The supervisors shall have the summary from the initiative financial

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information statements available at each polling place and at the main office of the supervisor of elections upon request.

5. The Secretary of State and the Office of Economic and Demographic Research shall make available on the Internet each initiative financial information statement in its entirety. In addition, each supervisor of elections whose office has a website shall post the summary from each initiative financial information statement on the website. Each supervisor shall include the Internet addresses for the information statements on the Secretary of State's and the Office of Economic and Demographic Research's websites in the publication or mailing required by s. 101.20.

~~(10)~~~~(11)~~ The Department of State may adopt rules in accordance with s. 120.54 to carry out this section.

Section 6. Section 100.372, Florida Statutes, is created to read:

100.372 Regulation of initiative petition circulators.--

(1) As used in this section, the term:

(a) "Petition circulator" means any person who, in the context of a direct face-to-face conversation, presents to another person for his or her possible signature a petition form or petition-revocation form regarding ballot placement for an initiative.

(b) "Paid petition circulator" means a petition circulator who receives any compensation as a direct or indirect consequence of the activities described in paragraph (a).

(2) At the time a petition circulator presents to any person for his or her possible signature a petition form or

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petition-revocation form regarding ballot placement for an
initiative, the petition circulator must:

(a) Be at least 18 years of age;

(b) Be eligible to register to vote in this or any other
state or territory of the United States; and

(c) Not be a convicted felon who is ineligible to register
or vote under s. 97.041(2) (b) .

(3) A paid petition circulator shall, when engaged in the
activities described in paragraph (1) (a), wear a prominent
badge, in a form and manner prescribed by rule by the division,
identifying him or her as a "PAID PETITION CIRCULATOR."

(4) In addition to any other practice or action
permissible under law, an owner, lessee, or other person
lawfully exercising control over private property may:

(a) Prohibit persons from engaging in activity on the
property which supports or opposes initiatives;

(b) Permit or prohibit persons from engaging in activity
on the property in support of or opposition to a particular
initiative; or

(c) Permit persons to engage in activity on the property
which supports or opposes initiatives, subject to restrictions
with respect to time, place, and manner which are reasonable and
uniformly applied.

(5) Before being presented to a possible elector for
signature, a petition form or petition-revocation form regarding
ballot placement for an initiative must set forth the following
information in a format and manner prescribed by rule by the
division:

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(a) The name of any organization or entity with which the petition circulator is affiliated and on behalf of which the petition circulator is presenting forms to electors for possible signature;

(b) The name of the sponsor of the initiative if different from the entity with which the petition circulator is affiliated;

(c) A statement directing those seeking information about initiative sponsors and their contributors to the Internet address of the appropriate division website; and

(d) A statement disclosing whether the petition circulator is a paid petition circulator, and, if so, the amount or rate of compensation and the name and address of the person or entity paying the compensation to the paid petition circulator.

(6)(a) A paid petition circulator shall attach to each signed petition form, petition-revocation form, or group of such forms obtained by the paid petition circulator a signed and dated declaration under penalty of perjury executed by the paid petition circulator, in a form prescribed by rule by the division. If the declaration pertains to a group of forms, the forms shall be consecutively numbered on their face by the paid petition circulator and the declaration shall refer to the forms by number.

(b) The declaration must include the paid petition circulator's printed name; the street address at which he or she resides, including county; the petition circulator's date of birth; the petition circulator's Florida voter registration number and county of registration, if applicable, or an

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701 identification number from a valid government-issued photo
702 identification card along with information identifying the
703 issuer; and the date he or she signed the declaration.

704 (c) The declaration shall attest that the paid petition
705 circulator has read and understands the laws governing the
706 circulation of petition and petition-revocation forms regarding
707 ballot placement for an initiative; that he or she satisfied the
708 requirements of subsection (2) at the time the attached form or
709 forms were circulated to the listed electors; that he or she
710 circulated the attached form or forms; that to the best of the
711 circulator's knowledge and belief each signature thereon is the
712 signature of the person whose name it purports to be; that to
713 the best of the circulator's knowledge and belief each of the
714 persons signing the form or forms was, at the time of signing, a
715 registered elector; that the circulator has not provided or
716 received, and will not in the future provide or receive,
717 compensation that is based, directly or indirectly, upon the
718 number of signatures obtained on petition or petition-revocation
719 forms; and that he or she has not paid and will not in the
720 future pay, and that he or she believes that no other person has
721 paid and will pay, directly or indirectly, any money or other
722 thing of value to any signer for the purpose of inducing or
723 causing such signer to affix his or her signature to the form.

724 (d) A signature on a petition form or petition-revocation
725 form regarding ballot placement for an initiative to which a
726 declaration required by this subsection is not attached is
727 invalid, may not be verified by the supervisor of elections, and
728 may not be counted toward the number of valid signatures

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729 required for ballot placement.

730 (7) Each paid petition circulator shall provide to the
731 sponsor of the initiative amendment for which he or she is
732 circulating petitions a copy of a valid and current government-
733 issued photo identification card that accurately indicates the
734 address at which the paid petition circulator resides. The
735 sponsor of the initiative shall maintain the copies of these
736 identification cards in its files and shall make them available
737 for inspection by the division, a supervisor of elections, or
738 any law enforcement agency. If a sponsor fails to maintain such
739 a copy with respect to a particular paid petition circulator,
740 all petitions obtained by that paid petition circulator before
741 the date the sponsor produces the required copy of the
742 identification card are invalid, may not be verified by the
743 supervisor of elections, and may not be counted toward the
744 number of valid signatures required for ballot placement.

745 (8) A signature on a petition form or petition-revocation
746 form regarding ballot placement for an initiative which does not
747 fully comply with the applicable provisions of this code, or
748 which was obtained in violation of the applicable provisions of
749 this code, is invalid, may not be verified by a supervisor of
750 elections, and may not be counted toward the number of valid
751 signatures required for ballot placement.

752 Section 7. Subsection (1) of section 101.161, Florida
753 Statutes, is amended to read:

754 101.161 Referenda; ballots.--

755 (1) Whenever a constitutional amendment or other public
756 measure is submitted to the vote of the people, the substance of

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such amendment or other public measure shall be printed in clear and unambiguous language on the ballot after the list of candidates, followed by the word "yes" and also by the word "no," and shall be styled in such a manner that a "yes" vote will indicate approval of the proposal and a "no" vote will indicate rejection. The wording of the substance of the amendment or other public measure and the ballot title to appear on the ballot shall be embodied in the joint resolution, constitutional revision commission proposal, constitutional convention proposal, taxation and budget reform commission proposal, or enabling resolution or ordinance. Except for amendments and ballot language proposed by joint resolution, the substance of the amendment or other public measure shall be an explanatory statement, not exceeding 75 words in length, of the chief purpose of the measure. In addition, for every amendment proposed by initiative, the ballot shall include, following the ballot summary, a separate financial impact statement concerning the measure prepared by the Financial Impact Estimating Conference in accordance with s. 100.371(10) ~~s. 100.371(6)~~. The ballot title shall consist of a caption, not exceeding 15 words in length, by which the measure is commonly referred to or spoken of.

Section 8. Section 33 of chapter 2005-278, Laws of Florida, is repealed.

Section 9. Effective January 1, 2007, subsection (1) of section 101.161, Florida Statutes, as amended by this act, is amended to read:

101.161 Referenda; ballots.--

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(1) Whenever a constitutional amendment or other public measure is submitted to the vote of the people, the substance of such amendment or other public measure shall be printed in clear and unambiguous language on the ballot after the list of candidates, followed by the word "yes" and also by the word "no," and shall be styled in such a manner that a "yes" vote will indicate approval of the proposal and a "no" vote will indicate rejection. The wording of the substance of the amendment or other public measure and the ballot title to appear on the ballot shall be embodied in the joint resolution, constitutional revision commission proposal, constitutional convention proposal, taxation and budget reform commission proposal, or enabling resolution or ordinance. Except for amendments and ballot language proposed by joint resolution, the substance of the amendment or other public measure shall be an explanatory statement, not exceeding 75 words in length, of the chief purpose of the measure. In addition, for every amendment proposed by initiative, the ballot shall include, following the ballot summary, a separate financial impact statement concerning the measure prepared by the Financial Impact Estimating Conference in accordance with s. 100.371(9) ~~s. 100.371(10)~~. The ballot title shall consist of a caption, not exceeding 15 words in length, by which the measure is commonly referred to or spoken of.

Section 10. Section 104.012, Florida Statutes, is amended to read:

104.012 Consideration for registration; interference with registration; soliciting registrations for compensation;

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813 alteration of registration application; failing to submit
814 registration application.--

815 (1) Any person who gives anything of value that is
816 redeemable in cash to any person in consideration for his or her
817 becoming a registered voter commits a felony of the third
818 degree, punishable as provided in s. 775.082, s. 775.083, or s.
819 775.084. This section shall not be interpreted, however, to
820 exclude such services as transportation to the place of
821 registration or baby-sitting in connection with the absence of
822 an elector from home for registering.

823 (2) A person who by bribery, menace, threat, or other
824 corruption, directly or indirectly, influences, deceives, or
825 deters or attempts to influence, deceive, or deter any person in
826 the free exercise of that person's right to register to vote at
827 any time, upon the first conviction, commits a felony of the
828 third degree, punishable as provided in s. 775.082, s. 775.083,
829 or s. 775.084, and, upon any subsequent conviction, commits a
830 felony of the second degree, punishable as provided in s.
831 775.082, s. 775.083, or s. 775.084.

832 (3) A person may not solicit or pay another person to
833 solicit voter registrations for compensation that is based upon
834 the number of registrations obtained. A person who violates the
835 provisions of this subsection commits a felony of the third
836 degree, punishable as provided in s. 775.082, s. 775.083, or s.
837 775.084.

838 (4) A person who alters the voter registration application
839 of any other person, without the other person's knowledge and
840 consent, commits a felony of the third degree, punishable as

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provided in s. 775.082, s. 775.083, or s. 775.084.

(5) Any person who obtains an executed voter registration application from another person and who willfully fails to submit this application to the appropriate supervisor of elections within 10 days commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 11. Section 104.185, Florida Statutes, is amended to read:

104.185 Violations involving petitions, knowingly signing more than once, signing another person's name or a fictitious name.--

(1) A person who knowingly signs a petition or petitions to secure ballot position for a candidate, a minor political party, or an issue more than one time commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, and, upon any subsequent conviction, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) A person who signs another person's name or a fictitious name to any petition, or to a petition revocation form, to secure ballot position for a candidate, a minor political party, or an issue commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, and, upon any subsequent conviction, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) A person who willfully swears or affirms falsely to any oath or affirmation, willfully procures another person to

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869 swear or affirm falsely to an oath or affirmation, or willfully
870 files a false declaration under s. 120.372(6) or willfully
871 procures another person to do so, in connection with or arising
872 out of the petitioning process, commits a misdemeanor of the
873 first degree, punishable as provided in s. 775.082 or s.
874 775.083, and, upon any subsequent conviction, commits a felony
875 of the third degree, punishable as provided in s. 775.082, s.
876 775.083, or s. 775.084.

877 (4) A person who willfully submits any false information
878 on a petition or petition-revocation form commits a misdemeanor
879 of the first degree, punishable as provided in s. 775.082 or s.
880 775.083, and, upon any subsequent conviction, commits a felony
881 of the third degree, punishable as provided in s. 775.082, s.
882 775.083, or s. 775.084.

883 (5) A person who directly or indirectly gives or promises
884 anything of value to any other person to induce that other
885 person to sign a petition or petition-revocation form commits a
886 misdemeanor of the first degree, punishable as provided in s.
887 775.082 or s. 775.083, and, upon any subsequent conviction,
888 commits a felony of the third degree, punishable as provided in
889 s. 775.082, s. 775.083, or s. 775.084.

890 (6) A person who, by bribery, menace, threat, or other
891 corruption, directly or indirectly influences, deceives, or
892 deters, or attempts to influence, deceive, or deter, any person
893 in the free exercise of that person's right to sign a petition
894 or petition-revocation form, upon the first conviction commits a
895 misdemeanor of the first degree, punishable as provided in s.
896 775.082 or s. 775.083, and, upon any subsequent conviction,

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897 commits a felony of the third degree, punishable as provided in
898 s. 775.082, s. 775.083, or s. 775.084.

899 (7) A person may not provide or receive compensation that
900 is based, directly or indirectly, upon the number of signatures
901 obtained on petition or petition-revocation forms. A person who
902 violates this subsection commits a misdemeanor of the first
903 degree, punishable as provided in s. 775.082 or s. 775.083, and,
904 upon any subsequent conviction, commits a felony of the third
905 degree, punishable as provided in s. 775.082, s. 775.083, or s.
906 775.084.

907 (8) A person who alters the petition or petition-
908 revocation form signed by any other person without the other
909 person's knowledge and consent commits a misdemeanor of the
910 first degree, punishable as provided in s. 775.082 or s.
911 775.083, and, upon any subsequent conviction, commits a felony
912 of the third degree, punishable as provided in s. 775.082, s.
913 775.083, or s. 775.084.

914 (9) A person perpetrating, or attempting to perpetrate or
915 aid in the perpetration of, any fraud in connection with
916 obtaining the signature of electors on petition or petition-
917 revocation forms commits a misdemeanor of the first degree,
918 punishable as provided in s. 775.082 or s. 775.083, and, upon
919 any subsequent conviction, commits a felony of the third degree,
920 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

921 (10) In addition to any other penalty provided for by law,
922 if a paid petition circulator, as defined in s. 100.372(1),
923 violates any provision of this section, the commission may,
924 pursuant to s. 106.265, impose a civil penalty in the form of a

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925 fine not to exceed \$1,000 per violation on such paid petition
926 circulator.

927 Section 12. Section 104.42, Florida Statutes, is amended
928 to read:

929 104.42 Unlawful registrations, petitions, petition
930 revocations, ~~Fraudulent registration~~ and ~~illegal~~ voting;
931 investigation.--

932 (1) The supervisor of elections is authorized to
933 investigate unlawful ~~fraudulent~~ registrations, petitions,
934 petition revocations, and ~~illegal~~ voting and to report his or
935 her findings to the local state attorney, the Department of Law
936 Enforcement, and the Florida Elections Commission.

937 (2) The board of county commissioners in any county may
938 appropriate funds to the supervisor of elections for the purpose
939 of investigating unlawful ~~fraudulent~~ registrations, petitions,
940 petition revocations, and ~~illegal~~ voting.

941 (3) The supervisor of elections shall document and report
942 suspected unlawful registrations, petitions, petition
943 revocations, and voting to the Florida Elections Commission
944 within 10 days after acquiring reasonable suspicion concerning
945 the lawfulness of the registrations, petitions, petition
946 revocations, and voting.

947 Section 13. Any signature gathered on a previously
948 approved initiative petition form that has been submitted for
949 verification before August 1, 2006, may be verified and counted,
950 if otherwise valid. However, any initiative petition form that
951 is submitted for verification on or after that date may be
952 verified and counted only if it complies with this act and has

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953 been approved by the Secretary of State before obtaining elector
954 signatures.

955 Section 14. If any provision of this act or its
956 application to any person or circumstance is held invalid, the
957 invalidity does not affect other provisions or applications of
958 the act which can be given effect without the invalid provision
959 or application, and to this end the provisions of this act are
960 severable.

961 Section 15. Except as otherwise expressly provided in this
962 act, this act shall take effect August 1, 2006.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS



BILL #: HB 791 CS

Road Designations

SPONSOR(S): Fields

TIED BILLS:

IDEN./SIM. BILLS: SB 1738

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Transportation Committee	16 Y, 0 N, w/CS	Rousseau	Miller
2) Transportation & Economic Development Appropriations Committee		McAuliffe 	Gordon 
3) State Infrastructure Council			
4) _____			
5) _____			

SUMMARY ANALYSIS

Section 334.071, F.S., provides for legislative designations of transportation facilities for honorary or memorial purposes, or to distinguish a particular facility. The legislative designations do not “officially” change the current names of the facilities, nor does the statute require local governments and private entities to change street signs, mailing addresses, or 911 emergency telephone-number system listings.

HB 791 designates seven honorary roads. They are:

- A portion of Main Street between West 6th Street and West 8th Street in Duval County is designated as “Ms. Eddie Mae Steward Avenue.”
- A portion of Main Street between West 37th Street and West 46th Street in Duval County is designated as “Dr. Mary L. Austin Jones Avenue.”
- A portion of Main Street between West 8th Street and West 18th Street in Duval County is designated as “Mrs. Flossie Brunson Avenue.”
- A portion of U.S. Highway 1 between Finch Avenue and Trout River Boulevard in Duval County is designated as “Dr. Robert L. Brown, Sr., Highway.”
- A portion of Lem Turner Road between Interstate 95 and Edgewood Avenue in Duval County is designated as “Ms. Barbara Van Blake Parkway.”
- A portion of Florida First Coast Highway beginning at Burney Road and continuing north through the 5500 block of Florida First Coast Highway in Nassau County is designated as “Ms. MaVynnee ‘The Beach Lady’ Betsch Highway.”
- A portion of State Road 188 between State Road 189 and State Road 85 in Okaloosa County is designated as “Brian D. Little Road.”

The Florida Department of Transportation (FDOT) is directed to erect suitable markers to denote the honorary designations. The markers will cost an estimated \$5,600. This does not include maintenance or replacement costs.

HB 791 does not create any constitutional or other legal issues. It takes effect July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

HB 791 does not implicate any House Principles.

B. EFFECT OF PROPOSED CHANGES:

Current Situation

Section 334.071, F.S., provides for legislative designations of transportation facilities for honorary or memorial purposes, or to distinguish a particular facility. The legislative designations do not “officially” change the current names of the facilities, nor does the statute require local governments and private entities to change street signs, mailing addresses, or 911 emergency telephone-number system listings.

The statute requires FDOT to place a marker at each terminus or intersection of an identified road or bridge, and to erect other markers it deems appropriate for the transportation facility. The statute also provides that a city or county must pass a resolution in support of a particular designation before road markers are erected. Additionally, if the designated road segment extends through multiple cities or counties, a resolution must be passed by each affected local government.

Based on FDOT records, some 1,079 honorary road and bridge designations have been approved since 1922, most of them by the Legislature. Some public roads and bridges have multiple or overlapping designations.

Effect of HB 791

The bill proposes seven honorary road designations. They are:

- A portion of Main Street between West 6th Street and West 8th Street in Duval County is designated as “Ms. Eddie Mae Steward Avenue.”
- A portion of Main Street between West 37th Street and West 46th Street in Duval County is designated as “Dr. Mary L. Austin Jones Avenue.”
- A portion of Main Street between West 8th Street and West 18th Street in Duval County is designated as “Mrs. Flossie Brunson Avenue.”
- A portion of U.S. Highway 1 between Finch Avenue and Trout River Boulevard in Duval County is designated as “Dr. Robert L. Brown, Sr., Highway.”
- A portion of Lem Turner Road between Interstate 95 and Edgewood Avenue in Duval County is designated as “Ms. Barbara Van Blake Parkway.”
- A portion of Florida First Coast Highway beginning at Burney Road and continuing north through the 5500 block of Florida First Coast Highway in Nassau County¹ is designated as “Ms. MaVynnee ‘The Beach Lady’ Betsch Highway.”
- A portion of State Road 188 between State Road 189 and State Road 85 in Okaloosa County is designated as “Brian D. Little Road.”

The Florida Department of Transportation (FDOT) is directed to erect suitable markers to denote the honorary designations.

The Duval County designations will be to honor Ms. Eddie Mae Steward, one of Jacksonville’s leading advocates for civil and human rights; Dr. Mary L. Austin Jones, a reverend in the City of Jacksonville whose outreach and ministries comfort and spiritually console families and individuals throughout the community; Mrs. Flossie Brunson, who nearly single-handedly organized her community to turn a once

¹ This segment of highway is actually located in Nassau County, see Drafting Issues or Other Comments section of this analysis.

blighted neighborhood into one that blossoms anew with energies and hope for its young people, young families and seniors; Dr. Robert L. Brown, Sr., a doctor in the City of Jacksonville who was a change agent for economic development efforts; and Ms. Barbara Van Blake, who taught mathematics in Florida for 12 years and was also an active supporter of civil rights and labor union organizing.

The Nassau County designation will honor Ms. MaVynee 'The Beach Lady' Betsch, the official historian and matriarch of American Beach.

The Okaloosa County designation will honor Brian D. Little, who served as District Roadway Design Engineer for the Department of Transportation's District 3.

C. SECTION DIRECTORY:

Section 1: A portion of Main Street between West 6th Street and West 8th Street in Duval County is designated as "Ms. Eddie Mae Steward Avenue."

Section 2: A portion of Main Street between West 37th Street and West 46th Street in Duval County is designated as "Dr. Mary L. Austin Jones Avenue."

Section 3: A portion of Main Street between West 8th Street and West 18th Street in Duval County is designated as "Mrs. Flossie Brunson Avenue."

Section 4: A portion of U.S. Highway 1 between Finch Avenue and Trout River Boulevard in Duval County is designated as "Dr. Robert L. Brown, Sr., Highway."

Section 5: A portion of Lem Turner Road between Interstate 95 and Edgewood Avenue in Duval County is designated as "Ms. Barbara Van Blake Parkway."

Section 6: A portion of Florida First Coast Highway beginning at Burney Road and continuing north through the 5500 block of Florida First Coast Highway in Duval County is designated as "Ms. MaVynee 'The Beach Lady' Betsch Highway."

Section 7: A portion of State Road 188 between State Road 189 and State Road 85 in Okaloosa County is designated as "Brian D. Little Road."

Section 8: Specifies an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

FDOT estimates that the cost to erect suitable road markers is approximately \$800 per designation, for a marker at each end of the designated road area. The total signage cost of HB 791 is \$5,600. The expenditure is from the State Transportation Trust Fund. FDOT also is responsible for any future maintenance and replacement cost, which is indeterminate.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to require cities or counties to spend funds or take actions requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

FDOT has sufficient rulemaking authority to implement this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On March 7, 2006, this bill was considered by the Transportation Committee. Two amendments were adopted, one was a technical amendment and the other added the designation of "Brian D. Little Road" in Okaloosa County. The bill was reported favorable with a committee substitute.

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CHAMBER ACTION

The Transportation Committee recommends the following:

Council/Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to road designations; designating Ms. Eddie Mae Steward Avenue, Dr. Mary L. Austin Jones Avenue, Mrs. Flossie Brunson Avenue, Dr. Robert L. Brown, Sr., Highway, and Ms. Barbara Van Blake Parkway in Duval County; designating Ms. MaVynnee "The Beach Lady" Betsch Highway in Nassau County; designating Brian D. Little Road in Okaloosa County; directing the Department of Transportation to erect suitable markers; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Ms. Eddie Mae Steward Avenue designated;
Department of Transportation to erect suitable markers.--

(1) That portion of Main Street between West 6th Street
and West 8th Street in Duval County is designated as "Ms. Eddie
Mae Steward Avenue."

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23 (2) The Department of Transportation is directed to erect
24 suitable markers designating Ms. Eddie Mae Steward Avenue as
25 described in subsection (1).

26 Section 2. Dr. Mary L. Austin Jones Avenue designated;
27 Department of Transportation to erect suitable markers.--

28 (1) That portion of Main Street between West 37th Street
29 and West 46th Street in Duval County is designated as "Dr. Mary
30 L. Austin Jones Avenue."

31 (2) The Department of Transportation is directed to erect
32 suitable markers designating Dr. Mary L. Austin Jones Avenue as
33 described in subsection (1).

34 Section 3. Mrs. Flossie Brunson Avenue designated;
35 Department of Transportation to erect suitable markers.--

36 (1) That portion of Main Street between West 8th Street
37 and West 18th Street in Duval County is designated as "Mrs.
38 Flossie Brunson Avenue."

39 (2) The Department of Transportation is directed to erect
40 suitable markers designating Mrs. Flossie Brunson Avenue as
41 described in subsection (1).

42 Section 4. Dr. Robert L. Brown, Sr., Highway designated;
43 Department of Transportation to erect suitable markers.--

44 (1) That portion of U.S. Highway 1 between Finch Avenue
45 and Trout River Boulevard in Duval County is designated as "Dr.
46 Robert L. Brown, Sr., Highway."

47 (2) The Department of Transportation is directed to erect
48 suitable markers designating Dr. Robert L. Brown, Sr., Highway
49 as described in subsection (1).

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Section 5. Ms. Barbara Van Blake Parkway designated;
Department of Transportation to erect suitable markers.--

(1) That portion of Lem Turner Road between Interstate 95
and Edgewood Avenue in Duval County is designated as "Ms.
Barbara Van Blake Parkway."

(2) The Department of Transportation is directed to erect
suitable markers designating Ms. Barbara Van Blake Parkway as
described in subsection (1).

Section 6. Ms. MaVynnee "The Beach Lady" Betsch Highway
designated; Department of Transportation to erect suitable
markers.--

(1) That portion of Florida First Coast Highway beginning
at Burney Road and continuing north through the 5500 block of
Florida First Coast Highway in Nassau County is designated as
"Ms. MaVynnee 'The Beach Lady' Betsch Highway."

(2) The Department of Transportation is directed to erect
suitable markers designating Ms. MaVynnee "The Beach Lady" Betsch
Highway as described in subsection (1).

Section 7. Brian D. Little Road designated; Department of
Transportation to erect suitable markers.--

(1) That portion of State Road 188 between State Road 189
and State Road 85 in Okaloosa County is designated as "Brian D.
Little Road."

(2) The Department of Transportation is directed to erect
suitable markers designating Brian D. Little Road as described
in subsection (1).

Section 8. This act shall take effect July 1, 2006.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 791 CS

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Transportation and Economic
Development Appropriations Committee
Representative Llorente offered the following:

Amendment (with title amendment)

Insert between lines 75 and 76:

Section 8. Peterson Way designated; Department of
Transportation to erect suitable markers.-

(1) That portion of South Dixie Highway, U.S. Highway 1,
between the interchange with the Florida Turnpike and the
intersection with Marlin Road in Miami-Dade County, is
designated as "Peterson Way."

(2) The Department of Transportation is directed to erect
suitable markers designating Peterson Way as described in
subsection (1).

===== T I T L E A M E N D M E N T =====

Remove line 12 and insert:

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

21 in Okaloosa County; designating Peterson Way in Miami-Dade
22 County; directing the Department of

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.2 (for drafter's use only)

Bill No. 791 CS

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Transportation and Economic
Development Appropriations
Representative(s) Llorente offered the following:

Amendment (with title amendment)

Between lines 75 and 76, insert:

Section 8. (1) That portion of State 414 known as Maitland
Boulevard that extends west from U.S. Highway 441 to the City of
Apopka before heading north to U.S. Highway 441 near County Road
437 which is commonly known as the Maitland Boulevard Extension
is designated as "John Land Apopka Expressway."

(2) The Department of Transportation is directed to
erect suitable marker designating the John Land Apopka
Expressway as described in subsection (1)

===== T I T L E A M E N D M E N T =====

Remove line 12 and insert:
in Okaloosa County; designating John Land Apopka Expressway;
directing the Department of

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 0791 CS

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Transportation & Economic
Development Appropriations Committee
Representative Jennings offered the following:

Amendment (with title amendment)

Between line(s) 75 and 76, insert:

Section 8. Toussaint L'Ouverture Boulevard designated;
Department of Transportation to erect suitable markers; repeal
of prior designation.--

(1) That portion of State Road 944 on N.W. 54th Street
between U.S. Highway 1 and N.E. 2nd Avenue in Miami-Dade County
is designated as "Toussaint L'Ouverture Boulevard."

(2) The Department of Transportation is directed to erect
suitable markers designating Toussaint L'Ouverture Boulevard as
described in subsection (1).

(3) Section 6 of chapter 2003-296, Laws of Florida, is
repealed.

Section 9. Reverend Gerard Jean-Juste Boulevard
designated; Department of Transportation to erect suitable
markers.--

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

(1) That portion of State Road 944 on N.W. 54th Street
between N.E. 2nd Avenue and N.W. 7th Avenue in Miami-Dade County
is designated as "Reverend Gerard Jean-Juste Boulevard."

(2) The Department of Transportation is directed to erect
suitable markers designating Reverend Gerard Jean-Juste
Boulevard as described in subsection (1).

===== T I T L E A M E N D M E N T =====

Remove line(s) 12 and insert:
in Okaloosa County; designating Toussaint L'Ouverture Boulevard
in Miami-Dade County; repealing s. 6, ch. 2003-296, Laws of
Florida, relating to a prior designation of Toussaint
L'Ouverture Boulevard; designating Reverend Gerard Jean-Juste
Boulevard in Miami-Dade County; directing the Department of

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